



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Minutes

Approved

Monday August 16, 2010 6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

The Chair opened the meeting and the Board was introduced. The Chair entertained a motion to enter into executive session.

1. 5:30 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session to return to open session. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 5:35 P.M.

- Collective Bargaining

The Board of Selectmen returned to open session at 6:30 P.M.

2. 6:30 P.M Open Meeting

The Chair reconvened the open session and the Clerk read the agenda.

3. New Business

- 6:35 P.M. Massachusetts Department of Transportation presentation on current state highway projects

Representatives from Mass Dot and S&R (contractor repairing the existing bridge) were present to update the Board and answer questions on the two (2) projects in response to the Board's request. The Board sent a letter to Mass DOT inviting there representative to a Board of Selectmen meeting to update the Board on the status and schedule and plans for the Route 113 bridge reconstruction and the realignment of the Pawtucket Boulevard and; The timing of the signalized intersections on the east and west sides of the bridge. The last review of the signalization was done a year ago; signals should be interconnected but cannot answer at this time.

The demolition of the former Tyngsborough General Store building on the east side of the Route 113 Bridge. The bid has been rewritten to demo the buildings first, there is language in

the new contract to do demo first depending on the pricing and timing. The contractor is looking at what has to be done, the bid will go out on September 4th and bids will be opened in October.

The re-apportionment of utility poles and lines on the east and west sides of the Route 113 bridge. There is about 18 months of work for moving the utilities. There are 20 poles to be moved this fall, electrical, cable and Verizon has 6 to 12 months to do the switch over. The height of the poles was factored in by the height of the bridge. It was a state layout and said that no hearing was needed. Mr. Paul Steadman will receive the questions and well contact the Town Administrator.

- 7:30 P.M. Sewer Commission – presentation

Mr. Gerry Foley was present with two members of the Woodard and Curran group to present the Comprehensive Waste Water Plan. It is a town wide project to add sewer to the town. The three options were discussed and was the different funding sources to consider. The Sewer department is looking for an ad hoc committee to be formed to review and recommend a project. It is important to look at the economic development in town and it helps that we have the Green Communities Status. There have been studies on the build-out and the agreements on the capacity availability. The Board thanked the Sewer Department and Woodard and Curran representatives for there presentation.

- Verizon pole Petition –Flint Road – Will be placed on the August 30th meeting, need to notify abutters.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Reault to set Monday, August 30th, as a hearing date.

- Conservation Commission – Cedar Street

The conservation Commission has been working on the complaints and remedies of Cedar Street located on Long Pond. It borders the Club Fleur-de-Lis. The club did repave their parking lot and has also paved the right of way and is claiming it as their property. The CC has a plan that shows the right of way and has had the way surveyed. In 1986 the right of way was accepted as a town way but later found not be accepted properly. The Commission is looking to nave it accepted properly and being before the Selectmen this evening is the first step. The Selectmen need to vote to refer the plan and layout to the Planning Board.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to refer the proposed plan and layout of Cedar Street to the Planning Board for recommendation on the proper acceptance of Cedar Street at the Annual Town Meeting.

- Debt reissuance

The Treasurer was before the Board requesting a vote to reissue the existing general government shoert term debt for one year. The town is saving money by not going for the long term borrowing. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to borrow the short term loan of 1.2 million dollars at a rate of 1.5% to Eastern Bank for one year.

4. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contracted the Office of the Selectmen in advance may address the Board of Sel4ectmen on matters of interest to the public for not more than five (5) minutes.

5. Old Business

- Affordable Housing Study Update

Selectman Reault gave a brief review of the Affordable Housing Plans. They are two plans and are in the process of being updated with the assistance of the Northern Middlesex Council of Governments. NMCOG would like to either work directly with the Selectmen or have the

Selectmen name a committee to work on the updating of the Affordable Housing Plans. The Board will revisit the request at the Monday, August 30th meeting.

6. Correspondence

Documents are available online at www.tyngsboroughma.gov

Selectman Reault read the following correspondence list: DOER Green Communities grant award notice; Comcast channel lineup change and service changes; NMMPO meeting notice; Building Department yearly safety inspection notice and monthly report; PERAC early retirement memorandum; Request for traffic control; Baystate roads program flyer; MMA letter and bulletin; Board of Appeals packet; Fleur De Lis incident report; Police monthly report; Tyngsborough Housing Authority event invitation; Conservation Commission Agenda; Greater Lowell Health Alliance annual meeting invitation; Town Counsel letter on Emergency Management; NMCOG TIP meeting notice; ABCC decision regarding Thirsty's; Notice of Tyngs Dem Town Comm State Senate Candidates' night; MBTA Advisory Board "save the date"; Conservation Commission request and petition.

7. Selectmen's Reports

- Selectman O'Neill – Weeks Review

The Board received an invitation to a dedication at Red Pine Terrace to A. Lucien Lacourse for his work on the Tyngsborough Housing Authority. The Board is sponsoring the Senior breakfast on August 10th. The Strategic Financial Planning Committee will be presenting to the School on August 31st, and will hold another informational meeting on September 12th.

- Selectman Coughlin – Energy and Environmental Affairs; 72 Red Gate Road

The Green Communities projects are moving forward. Diana Koehane and George Trearchis are working on a green repair grant. NMCOG is working with the Median Group on the wind and street lights. There is a drainage problem at 72 Red Gate Road that should be discussed at a future agenda.

- Selectman Reault – NMCOG – See Old Business – Affordable Housing Partnership and Affordable Housing Plan update.

- Selectman Lemoine – Economic Development

Agrees to having shorter meetings. The EDC will meet on Thursday at 6:30 PM to continue discussions on monies allocated at the Town Meeting. There will be a candidate night at the High School on September 2nd at 7:00 PM for the 4 candidates running for the Senate to be able to debate the issues.

- Selectman Jackson – TECC

The TECC is still looking for members for their committee. For future discussions the length of the Board's meetings to end at 9PM plus Executive Sessions would like to work as a board to shorten meetings or have more meetings, would like the Board to provide thought on it.

8. Town Administrator's Reports

Report is available online at www.tyngsboroughma.gov

- Response to Selectmen's Requests

The Town employment contracts are being submitted to Labor Counsel for final review prior to posting online. The template of a quarterly reporting form for appointed boards and committees is complete and ready for use. A letter was sent to the Technical High School inviting students to participate in a couple of energy efficient projects. And a letter was sent to the Wyndbrook developer asking to reconsider re-allocating funding for a senior center from Wyndbrook to the former Winslow School location.

- Budget

The final documentation on the short-term borrowing from the Treasurer is available for Monday. The Board did vote and signed the forms on Monday night.

- Departmental Information

The Veterans' Agent has decided to not retire in October and will continue performing his duties for a few more years. Town Counsel indicates that the Town can continue to employ the incumbent Veterans' Agent. Applications for the position of Wiring and Plumbing/Gas Inspectors are coming in. I will be participating in the first round of interviews with the Sewer Dept for an Administrator on Thursday. The Board has confirmed to host the Senior Breakfast on August 19th. The Senior Work off program recruitment is underway. The Highway Dept has purchased a mid-size cement mixer which will allow us to reduce reliance on contractor assistance to lay cement. Purchase is Chapter 90 eligible. The cost was \$2,695.00. The Highway in conjunction with the Police and Fire depts. Has identified a grant opportunity for a work zone/safety emergency response equipment trailer through MIIA.

- Contracting/Procurement
There are none at this time.
- Other

IIIA has sent a notice relative to statewide essay contest. If the Selectmen wish the Town to participate, I will forward it to the Superintendent.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session and return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 9:55 P.M.

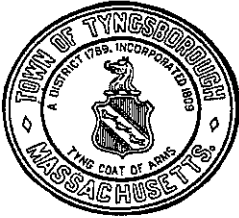
9. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The Board adjourned at 10:50 P.M.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on Monday, September 13, 2010



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

CORRESPONDENCE

Monday, August 16, 2010 at 5:30 P.M.

Town Offices (25 Bryant Lane)

- DOER Green Communities grant award notice
- Comcast channel lineup change
- NMMPO meeting notice
- Building Department yearly safety inspection notice
- Comcast service changes
- PERAC early retirement memorandum
- Request for traffic control
- Baystate Roads Program flyer
- Donnegan Systems letter and flyer
- Municipal Management Associates letter and bulletin
- Board of Appeals packet
- Fleur De Lis incident report
- Police monthly report
- Building Department monthly report
- Tyngsborough Housing Authority event invitation
- Conservation Commission agenda
- Greater Lowell Health Alliance annual meeting invitation
- Town Counsel letter on Emergency Management
- NMCOG TIP meeting notice
- ABCC decision regarding Thirsty's
- Notice of Tyngsborough Democratic Town Committee State Senate Candidate's Night
- MBTA Advisory Board "save the date"
- Conservation Commission request
- Conservation Commission petition

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686

Telephone (978) 458-4583

Facsimile (978) 937-0950

2010 AUG 11 AM 9:12
RECEIVED SELECTMEN
TYNGSBOROUGH, MA.
August 4, 2010

Mr. Jeffrey R. Albert
76 Sequoia Drive
Tyngsborough, MA 01879

File: Tyngsborough

**Re: Albert, Jeffrey R. and Kelly A.
76 Sequoias Drive
State Building Code Violations**

Dear Mr. Albert:

Please reference my letter of July 19, 2010, to which I have not received a response.

The Building Commissioner issued notices to you dated August 25, 2009, and September 17, October 6, and October 22, 2009, informing you that the above-mentioned property requires "... approvals and permits ..." In addition, the Building Commissioner issued a notice to you dated November 12, 2009, finding you in violation of 780 CMR 5113 and 5115, Massachusetts State Building Code. The Building Commissioner ordered you "to cease and desist use of all structures ... and remove the same."

Also, the Building Commissioner again has issued another notice of violations, which have life safety issues.

I am informed that you have not complied with the orders of the Building Commissioner. Consequently, I shall prepare and file a complaint in the Superior Court unless this matter is resolved within twenty (20) days of the date of this letter.

Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ/jrz

cc: Mr. Mark E. Dupell, Building Commissioner
Michael P. Gilleberto, Town Administrator
Board of Selectmen

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

August 4, 2010

Ms. Kelly A. Albert
76 Sequoia Drive
Tyngsborough, MA 01879

File: Tyngsborough

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76 Sequoias Drive
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Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ/jrz

cc: Mr. Mark E. Dupell, Building Commissioner
Michael P. Gilleberto, Town Administrator
Board of Selectmen

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Telephone (978) 458-4583

Facsimile (978) 937-0950

RECEIVED
TYNGSBOROUGH, MA.

August 4, 2010

Mark L. Scheier, Esq.
Scheier & Katin, P.C.
103 Great Road
Acton, MA 01720

File: Tyngsborough

**Re: Regonini, Kathryn L., Estate of
21 Red Gate Road
Zoning and Building Code Violations**

Dear Mark:

Please reference my telephone call of July 19, 2010, and advise whether you have discussed the matter with Mr. Rone Kendall and what the status is relative to compliance.

I have prepared a complaint but have withheld filing with the hope that this matter can be resolved.

Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ//jrz

cc: Mr. Mark E. Dupell, Building Commissioner
Mr. Michael P. Gilleberto, Town Administrator



William F. Mulligan
Chief of Police

Town of Tyngsborough

Police Department

20 Westford Road

Tyngsborough, Massachusetts 01879-0549
TYNGSBOROUGH, MA.



TEL: (978) 649 - 7504

FAX: (978) 649 - 2324

To: Michael P. Gilleberto, Board of Selectmen

From: Chief William F. Mulligan

Re: Police Over-Time Account

Date: August 4, 2010

On June 14, 2010 I sent you a memo indicating my concerns regarding the over-time account for fiscal year 2010-11.

We have just completed the first two pay periods for the fiscal year; the shift replacement account for the Police Department has been budgeted at \$95,000.00. Over these two pay periods, we have expended \$25,000.00 from the replacement account.

We expect to spend more money from this account during the summer months when vacation requests are at a high; however, at this rate, I am forecasting we will over-spend this account by January 2011.

As I stated in the memo of June 14, 2010, I can no longer maintain the shift coverage as I have in the past without an increase in the replacement account.

This fiscal year, as in the past two fiscal years, I will be seeking a grant for the Communications Division. This grant will be for approximately \$26,000.00. I believe we will be approved for this grant, which can be used to pay the salaries of the Communication Specialists, providing the usual yearly savings in the Communications budget.

The Communications budget for the end of fiscal year 2009-10 had balance of \$45,039.40. I am forecasting a similar balance for this fiscal year, if we are approved for the Communications grant.

To maintain the minimum of three Officers (one Sergeant and two Patrolmen) per shift for this fiscal year, we will need an increase in the replacement account. Without an increase in this account, I will be forced to reduce shifts to below the minimum of these three Officers. This would reduce the over-time burden.

I am requesting assistance from the Board of Selectmen and the Financial Committee to consider a year-end transfer of funds from the Communications budget to the Police budget, if and when necessary to cover this potential over-time budget over-run. If that transfer is approved, I may be able to maintain the minimum staffing of three Officers per shift, barring any major incidents. Without this assistance, I will not be able to fill shift over-time, beginning in September 2010. By the same token, I cannot guarantee this transfer will cover the total potential budget over-run, but I will work diligently to cover this expense with the means I have and would be happy to discuss this further with you.

Law Office of Maurice LaRiviere Jr.
200 Merrimack Street, Suite 202D
Haverhill, Ma 01830
Tel 978-373-4044
Email mlariviere@massesq.com

August 4, 2010

Michael P. Gilleberto, Town Administrator
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, Ma 01879

Subject; Club Fleur de lis and
Cedar St.

Dear Administrator Gilleberto,

This letter is sent to advise you that I have been retained by Gail Meredith as the agent for the Club Fleur de lis (club). To the extent applicable this notice is also sent in compliance with Chapter 258 sec. 4.

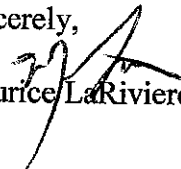
The club by its agent has set a detailed outline of the facts which is attached to this communication for your review. (three pages)

I have always taken the position that a peaceful resolve of disputes is far more beneficial to both parties and thus recommend that we arrange a meeting to discuss the issues at hand. The club needs to protect its interests and remain in compliance with the laws applicable to liquor licenses and private clubs.

In this regard I request that you or your counsel contact my office and that we arrange a meeting with my client, me and all agents of the Town that you believe should be present.

KINDLY ADVISE ME WHETHER OR NOT YOU WANT TO MEET TO DISCUSS THIS.

Sincerely,


Maurice LaRiviere, Jr., esq.

Club Fleur de lis, has been an established business at 39 Elm St since 1908. The club and its properties is situated in the towns of Tyngsboro, and Dracut Massachusetts. Club Fleur de Lis has had to maintain a liquor license for each town.

In 1968, Tyngsboro selectmen and Dracut selectmen, agreed upon having Dracut hold solely the liquor licensing for Club Fleur de lis. In their agreement, Tyngsboro said they would not interfere with our liquor licensing and allow our patrons, to consume alcohol in said part of Tyngsboro. ABCC of Massachusetts has confirmed this said agreement.

Where the paved boat launch is located, there is, adjoining to club property, a "paper street" known on the map as "Cedar St." Paved boat launch was installed from previous owner of club. The boat launch has been maintained, plowed, cleaned etc., solely by the club since Thomas Meredith purchased it in 1973.

Without club's knowledge, on May 21, 1986, Town of Tyngsboro, had vote to accept "Cedar St.". Since 1986, the town has been in violation of this said agreement.

The fact is : To use the boat ramp, you will also be on the club property, which is in violation with Club's liquor license, 1. Private club license 2. Club is responsible for all "illegalities" on or in premises. There is NO such "bring your own booze" = BYOB in Massachusetts. This can be found in licensee's handbook from the Commonwealth of Massachusetts ABCC. Section V regulation 204 CMR 2.05 (2)

The Selectmen, Conservation Committee, and other town departments, have been telling the public that this boat ramp is public. The town has also given a list of names to the police department a list of 7 addresses and names as to who may at this time, can use the boat launch. The majority of the neighbors have been courteous enough to introduce themselves to us and kindly asked if they could launch their watercrafts on the boat ramp.

Others have not and is STILL harassing us.

We have been and maintain ourselves to be in compliance with our licensing. The town of Tyngsboro has been in violation and is trying to

sabotage said licensing.

Also the Club names : Jason Dionne 11 ALDEN AVENUE

Mr. Dionne Initiated the local newspaper, The Lowell Sun to write an article on how I am claiming property on the boat ramp. This initiated an outburst of comments on the forum on www.lowellsun.com It also initiated of what I considered a death threat. I had to stay in my home for I feared for my life and my family's life as well. Tyngsboro police were called in for this very serious matter and they did in fact, put this on file. On July 23rd 2011

When people call the town hall, they are told when asked if the boat ramp is public property, they are told that they are "working on it."

July 13, 2010 Lowell sun stating that the board is seeking to take property known as Cedar St., for it was not done so thoroughly in 1986.

July 23, 2010 Lowell Sun article stating that the Conservation Committee saying that it is in fact, public.

We have had numerous threatening calls over at the club as well. I had to call our phone carrier (Verizon) to find out how we can stop this. They explained to me how this can be solved, and I proceeded to let the staff know how to single the call out. Staff told me sounded like the same person.

Over the weekend on July 31, 2010 Jason Dionne, his father, Gerry Dionne and a unknown male came to the Club's boat ramp, and proceeded to take their boat out of the water. Again, they are taunting, and harassing us. The Dionne's have their own boat launch at their home, when Dionne launches his boat from our ramp, he is a menace for all on and in the water.

Neighbors from around the lake then call my place of business and yells at us for our "f'ing members" who are reckless on the lake when all along it is Jason Dionne. He is intentionally doing this, for this has taken place this spring and I asked him to launch from his own place so we do not get these phone calls again, then it has escalated from there.

August 1, 2010 Resident launching boat at the club, Jason Dionne is on his jet ski in the water at boat ramp when he pulled up and started taunting me. I called the police, and they could not do anything about it.

For all of these reasons, I feel that it is affecting our business, putting our

liquor license in violation for no one but me is making sure no one is bringing alcohol onto property that is, and have been, a private club since 1908. The agreement clearly states that Tyngsborough will not interfere, but since my husband took sick in 2005, they have been and continue to be harassing, discriminatory, and in violation with all parties involved in said agreement. (There are right of ways around the pond every 200ft) Why would they single out clubs right of way? The stress from this burden has also taken toll on my health. I also feel that action should be taken immediately for I am in fear of losing our livelihood regardless of outcome. The harassment is unbearable. I feel that they are doing this intentionally.

The town counsel, Charles Zaroulis, has asked about the agreement, for he has "heard of it" but has "never seen it" I provided him with such said agreement in April of 2009.

Although I have tried to explain to them about my concerns, I have been ignored. I was told, they are "working on it". In the meantime they are allowing only 7 neighbors to launch now, what about others that have water rights deeded to them? I do not discriminate!!

At any given time I can be shut down for being in violation of my liquor license because of the decision to let people go on the boatramp brought on by the Town of Tyngsborough. This has been going on with me, for 5 years now. When I asked my husband if they ever gave him a hard time about this, his answer was NO NEVER.

Criminal harassment

Discrimination 1. Woman 2. Singling our ramp out when they signed an agreement not to interfere, and a right of way every 200 ft. around pond.

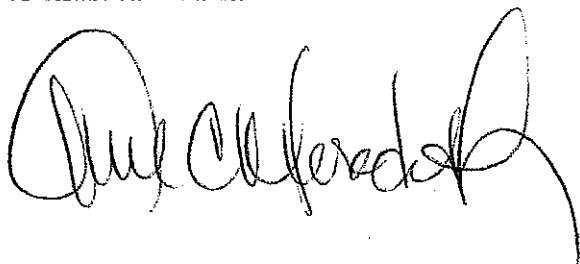
Loss of business

Emotional distress

40 years of maintenance for they never maintained it.

Death threat

Slander/defamation of character.

 8/1/20



William F. Mulligan
Chief of Police

Town of Tyngsborough

Police Department

20 Westford Road

Tyngsborough, Massachusetts 01879-0549



TEL: (978) 649 - 7504

FAX: (978) 649 - 2324

To: Michael Gilleberto Town Administrator/Board of Selectmen
From: Chief William F. Mulligan *WFM*
Re: Maxamillians Billiards Poker Tournaments
Date: August 5, 2010

2010 AUG -5 PM 3:04
QUINCY A. SEYMOUR
TYNGSBOROUGH, MA.

On August 4, 2010 I received an anonymous letter stating that Maxamillians Billiards has been conducting illegal poker tournaments on Sunday and Thursday evening on a weekly basis.

I assigned Sgt. Charles Chronopoulos to investigate this complaint. (See attached Report)

After contacting the owner of Maxamillians Billiards one Glen Stanbury he was told to no longer hold these tournaments. Mr. Stanbury apologized stating he had no idea that these tournaments were illegal.

I will be assigning Officers on patrol to check Maxamillians for any signs of these tournaments.

I have also assigned Sgt. Christopher Chronopoulos to stop by Maxamillians Billiards on today date August 5, 2010 and once again tell Glen Stanbury that these tournaments are illegal. Sgt. Christopher Chronopoulos will write a report once this is done.

If you have any questions or concerns please let me know.



Tyngsborough Police Department
Incident Report

Page: 1
08/04/2010

Incident #: 10-666-OF
Call #: 10-14719

Time Reported: 08/04/2010 1459
Report Date/Time: 08/04/2010 1516
Status: Incident Open
Reporting Officer: Sergeant Charles Chronopoulos
Approving Officer: Sergeant Charles Chronopoulos

Signature: _____

Signature: _____

SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
STANBURY, GLEN A 315 MIDDLESEX RD TYNGSBOROUGH MA 01879	M	W	41	015-60-7828	978-475-4748

Literary Active Duty: N
BODY: NOT AVAIL.
DOB: 03/16/1969
LICENSE NUMBER: MA S05699833
COMPLEXION: NOT AVAIL.
PLACE OF BIRTH: NOT AVAIL.
ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 978-475-4748
EMPLOYER/SCHOOL: MAXAMILLIANS BILLARDS

OFFENSE(S)	ATTEMPTED	TYPE
LOCATION TYPE: Other/Unknown MAXAMILLIANS INC 315 MIDDLESEX RD TYNGSBOROUGH MA 01879	Zone: CAR 1 AREA A	
RAFFLE/BAZAAR VIOLATION 271/7A	N	Ordinance
OCCURRED: 08/01/2010 1800		

PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
MAXIMILLIANS 315 MIDDLESEX RD TYNGSBOROUGH MA 01879	BUSINESS					978-649-0400
STANBURY, GLEN A 315 MIDDLESEX RD TYNGSBOROUGH MA 01879 DOB: 03/16/1969 EMPLOYER: MAXAMILLIANS BILLARDS CONTACT INFORMATION: Home Phone (Primary)	PARTICIPANT	M	W	41	015-60-7828	978-475-4748
EASTERN POKER TOUR 315 MIDDLESEX RD TYNGSBOROUGH MA 01879	BUSINESS					401-529-4572

NARRATIVE FOR SERGEANT CHARLES CHRONOPOULOS

Ref: 10-666-OF

Entered: 08/04/2010 @ 1535

Entry ID: S3

Modified: 08/04/2010 @ 1838

Modified ID: S3

Approved: 08/04/2010 @ 1706

Approval ID: S3

On the 4th day of August, 2010, I was assigned as patrol shift supervisor between the hours of 0700-1500 hrs. At approximately 0900 hrs, I had a meeting with Chief William Mulligan who showed me an anonymous letter he received from a concerned group called, "Fair Competition Committee of MA" The letter was addressed to Maximillian's Billiards located on 315 Middlesex Road, Tyngsborough, MA. (see attached copy)

The letter was sent as a courtesy to Maximillians warning that they were allowing, "Eastern Poker Tours," to conduct illegal poker tournaments on Sunday and Thursday evenings on a weekly basis. Chief Mulligan requested I investigate this matter and report back to him with my findings.

At 1100 hrs, I met with Glen Stanbury, (owner/proprietor of Maximillian's Billiards). I showed Mr. Stanbury the letter Chief William Mulligan received from the anonymous author representing, "Fair Competition Committee of MA" Mr. Stanbury advised that he just returned to work full time after recent surgery and had not seen or received such a letter. After Mr. Stanbury read the letter, he stated that he was using a company called, Eastern Poker Tours," on Sunday and Thursday evenings to run poker tournaments. Mr. Stanbury advised that he uses a man employed by Eastern Poker Tours to oversee the tournaments by the name of, "John Parente," tel #401.529.4572.

The tournament works as follows: *To participate in the poker tournament, one would have to pay a fifteen dollar entry fee. The fee would allow a patron to play poker and partake in Maximillians food buffet.* I advised Mr. Stanbury that this operation may very well be illegal under Massachusetts General Laws as well as a Town By-Law violation.

Mr. Stanbury who was very cooperative and understanding, requested that I keep him updated as he has an event scheduled with Eastern Poker Tours Thursday (August 5th, 2010). Mr. Stanbury stated he did not want to cause any problems and if this *was in fact* an illegal operation, he would cancel it immediately. I advised this matter would be looked into promptly and I would have an answer for him as soon as possible.

1400 hrs- Received a copy of a letter at the station from Glen Stanbury. The letter was faxed to Mr. Stanbury by John Parente (Eastern Poker Tour) from the Law offices of, "Jeffrey B. Pine Esq," out of 321 South Main Street, suite 302, Providence, RI 02903, tel #401.351.8200

The letter was dated September 28, 2006, addressed to a Mr. Bradford Smith of 4 Brewster Dr., Warwick, RI 02889. The letter stated that Eastern Poker Tour - Massachusetts was not in violation of any Massachusetts Laws/Statutes or applicable case law to conduct business in any Massachusetts community the conducting of the games by Eastern Poker Tour. The letter references Assistant Attorney General, "Daniel Ferrullo," as Attorney Pine's advisor and legal correspondence from the state of Massachusetts. The letter also indicated that Assistant Attorney General Ferrullo would communicate the decision in the letter to the local police chiefs in the towns in which Eastern Poker Tour was operating at the time. At no such time did Chief William Mulligan ever get notified by the Assistant Attorney General of Massachusetts to allow Eastern Poker Tours to conduct business in Tyngsborough.

It is this officer's opinion that Assistant Attorney General Daniel Ferrullo has no personal knowledge of this letter addressed to Bradford Smith by Attorney Jeffrey Pine Esq., back on September 28, 2006"

1420 hrs- I placed a call into the Massachusetts Attorney Generals Office and left a message for AAG Ferrullo (617.963.2115) to contact me as soon as possible.

NARRATIVE FOR SERGEANT CHARLES CHRONOPOULOS

Ref: 10-666-OF

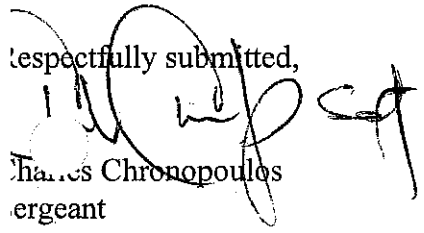
Entered: 08/04/2010 @ 1535 Entry ID: S3
Modified: 08/04/2010 @ 1838 Modified ID: S3
Approved: 08/04/2010 @ 1706 Approval ID: S3

1430 hrs- Contacted the Alcoholic Beverage Control Commission (617.727.3040) and spoke with investigator "Jan Kujawski." I informed Insp. Kujawski of the incident regarding Maximillians Billiards and Eastern Poker Tours. After hearing the entire incident from me, Insp. Kujawski stated that Eastern Poker Tours must be a non-profit charitable organization registered in Massachusetts. Eastern Poker Tours and Maximillians must possess a, "Bazaar," permit that only can be issued by the Town of Tyngsborough Board of Selectmen for each poker event. Eastern Poker Tours is *Not* a non-profit charitable organization nor did Maximillians or Eastern Poker Tours apply for a Bazaar Permit to conduct business. Ref: MGL C 271

I immediately contacted Glen Stanbury as requested. Mr. Stanbury apologized for any inconvenience and confirmed that there will be no event with Eastern Poker Tours on Thursday, August 5th, 2010 at Maximillians Billiards. Mr. Stanbury told me that he had no idea that this was an illegal operation and his intentions were not to disrespect the town in anyway.

This report will be forwarded to Chief William Mulligan. At this time I have not heard back from AAG Daniel Ferrullo.

Respectfully submitted,


Charles Chronopoulos
Sergeant

MAXIMILLANS

July 30, 2010

MAXAMILLIANS BILLIARDS
315 MIDDLESEX ROAD
TYNGSBORO MA 01879

To Whom It May Concern:

I am writing this letter to advise you that the poker tournament you are running on Sunday and Thursday evenings is illegal. It is my intention to report this violation to the Alcohol and Beverage Commission within the next ten days.

I am extending you the courtesy of a warning. Eastern Poker Tour has told all their venues that it is legal. They say that they have a letter from the Attorney General's Office stating this. I have been in touch with the Attorney General's Office, there is no letter. I contacted them because Eastern Poker Tour tried to sell me on a poker night. It is a violation and places your liquor license in jeopardy. No fees may be charged in connection to poker, buffet or not. You may confirm this by calling the Attorney General's Office at 617-963-2115. The contact person is Dan Ferullo.

Please understand that there are many bars and restaurants running these poker tournaments. It puts the rest of us at a competitive disadvantage if you can run them and we cannot.

Sincerely,

Fair Competition Committee of MA

Cc: Tyngsboro Police Chief

Owner - Eastern Poker
John Parente
401-529-4572

Buffet Ticket to play Poker - \$15.00
- NO payout is supposed to occur...

Tamara
Kujawski

- Chief Investigator - MAHONEY

LAW OFFICES OF
JEFFREY B. PINE Esq.

A PROFESSIONAL CORPORATION

*Jeffrey B. Pine
Attorney Gsnm11993-1y99

321 South Main Street, Suite 302, Providence, RI 02903
TELEPHONE 401.351.8200 FAX 401.351.9032

*Admitted in Rhode Island
and Massachusetts

Of Counsel
* Harris K. Weiner
Stephen J. Ryan

www.pinelaw.com

September 28, 2006

Mr. Bradford Smith
4 Brewster Dr.
Warwick, Rhode Island 02889

Re: Eastern Poker Tour-- Massachusetts

Dear Brad:

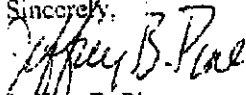
I have spoken with Assistant Attorney General Daniel Ferrullo as a follow-up to correspondence that I had sent him stating our position in this matter. I have pointed out that based on the criteria set forth in the Massachusetts statutes and the applicable case law, no violation was occurring, and that it would be an erroneous restraint of your right to conduct business if the State or municipality chose to shutdown the operation of your business in any Massachusetts community.

His response to me was that he has found no violation of Massachusetts law and would therefore not be initiating any further investigation or citation for the conducting of the games by Eastern Poker Tour. This is consistent with the position that **was** taken in Rhode Island also.

He indicated that he would be communicating this decision to the local police chiefs in the towns in which Eastern Poker Tour was operating at the time.

If you have any questions or if further issues develop, please contact me.

Sincerely,


Jeffrey B. Pine



Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

Fwd: poker tournaments at maximilians

William Mulligan <wmulligan@tyngsboroughma.gov>

Thu, Aug 12, 2010 at 8:46 AM

To: Michael Gilleberto <mgilleberto@tyngsboroughma.gov>, charles.zaroulis@verizon.net

Michael, Charles,

I received this email from Attorney Nicosia, I spoke to him this morning. I told him I would send this to you and Charles for a opinion if these tournaments are legal to run under the law and if they meet the licensing authority approval (BOS)

Thanks,

Chief

----- Forwarded message -----

From: Peter Nicosia <nicosia@nicosia-associates.com>

Date: Wed, Aug 11, 2010 at 4:00 PM

Subject: poker tournaments at maximilians

To: William Mulligan <wmulligan@tyngsboroughma.gov>

Cc: nicosia nicosia <nicosia@nicosia-associates.com>, "Charles J. Zaroulis" <charles.zaroulis@verizon.net>, gstanbury@me.com

Chief:

I hope all is well with you. I represent Maximilians and was made aware of the "cease and desist" letter sent regarding the poker tournament they were intending to hold hosted by Eastern Poker tours which is an independent vendor.

I have since spoken with Attorney Bill Kelly chief legal counsel for the ABCC as well as an Assistant Attorney General Patrick Moore along with legal counsel Jeff Pine for the poker tour itself about this particular type of poker tournament to be run by this establishment.

The way the tournament works is as follows:

1. There is no buy in by the players.
2. There is no betting of actual money during the games—they use poker chips but such chips do not need to be purchased.
3. There are indeed cash prizes awarded to the winners.
4. The liquor establishment pre-pays out of its own pocket approximately \$100 per table for Eastern to come in and hold the tournament. The liquor establishment then makes its money out of the players buying drinks and food. Eastern makes its money out of the per table purchase price.

In 2005, the Attorney General's Office issued an Advisory Opinion on the subject because of the then rising popularity of these tournaments. You can find it at www.mass.gov and then type in "poker tournament" into the search area and this will be the first thing that pops up. The attorneys I mentioned above actually directed me to the link on the Attorney General's website. I have cut and pasted the same for you. Typically only non-profits can run poker tournaments that are deemed to be "lotteries" with a number of requirements including a local permit. However, when there is no "buy in" and no betting of actual "money" then such a tournament is not deemed to be a lottery—even if it pays a cash prize.

The last paragraph of this advisory opinion makes it very clear that this particular type of poker tournament does not qualify as a lottery and thus falls outside the necessity of the same being run by a non-profit or following the traditional rules for poker tournaments where there is a buy in or betting of cash etc.

Either you or Charles can call me with any questions. I would ask that the cease and desist letter be immediately revoked as the failure to allow this establishment to run this event will cause financial detriment. Thanks for your attention:

prohibition involves fundraising activities by certain nonprofit organizations issued lottery permits under section 7A of Chapter 271.

Of course, if players do not pay an entry fee, bet, or otherwise contribute something of value to play in a poker tournament, it does not constitute a lottery. A poker tournament in which participants pay nothing to play (meaning players neither pay an entry fee nor bet money during the game) may award prizes to winning players.

Peter J. Nicosia

978-649-4300

nicosia@nicosia-associates.com

--

William F. Mulligan
Chief of Police
Tyngsborough Police Department
20 Westford Road
Tyngsborough MA 01879
(V) 978-649-7504
(F) 978-649-2324

NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

COMMONWEALTH OF MASSACHUSETTS

Town of Tyngsborough

This is to Certify that Maxamillians Billiards, Food, Spirit 315 Middlesex road
Tyngsborough, MA


IS HEREBY GRANTED A
WEEKDAY ENTERTAINMENT LICENSE

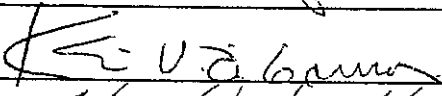
For the following purposes: TVs, Pool Tables, Radio

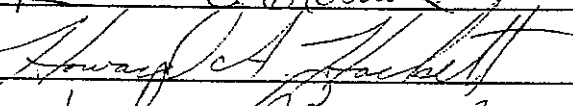
At the following described premises: By, strip mall, bridck bldg with main entrance in front
of the bldg. Two fire exists in rear. Premises will consist of 27 pocket billiard tables, 30 seat
bar, seating area.

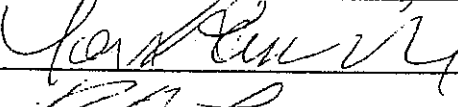
in said Town of Tyngsborough and at that place only and expires December thirty-first 2003
unless sooner suspended or revoked for violation of the laws of the Commonwealth. This
license is issued in conformity with the authority granted to the licensing authorities by
General Laws, Chapter 140, and amendments thereto.

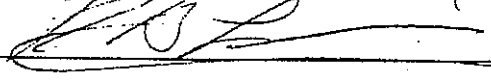
In Testimony Whereof, the undersigned have hereunto affixed their official signatures.
Licensing Authorities











Date Issued: 12/9/2002

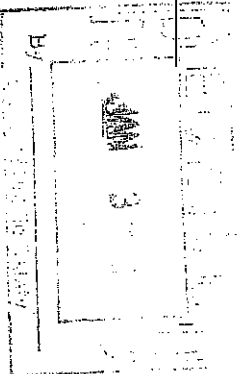
License: WE39

THE COMMONWEALTH OF MASSACHUSETTS

State Fee, \$ 425.00
Municipal Fee, \$ _____

Town of Hyannis
LICENSE
for

Public Entertainment on Sunday



Maxamillians Inc

(Name of licensee)

license for Amusement Entertainment

(Type of entertainment)

on Sundays 11/10c - 12/31/16

is hereby granted a

to be conducted at No. _____

315 Middlesex

(Date)

Street.

The name of the establishment is _____

Maxamillians Billiards & Sports

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment will not commence before 1 P.M. and that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions:

The licensee shall not advertise his place of amusement, or any performance or exhibition therein, by means of pictorial posters or placards of an obscene or indecent nature; shall not, in his place of amusement, allow any person to wear a head covering which obstructs the view of other spectators; shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about his place of amusement during performances therein; shall employ to preserve order in his place of amusement only regular or special police officers designated therefor by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief Engineer of the Fire Department to guard against fire; shall keep in good condition, so as to be easily accessible, such standpipes, hose, water pails, axes, chemical extinguishers and other apparatus as the Chief Engineer of the Fire Department may require; shall allow such members of the fire department, in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle, passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen.

This license shall be kept on the premises where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Commissioner of Public Safety.

This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

The following numbers shown on program submitted are not approved:

[Signature]
[Signature]
[Signature]
Mayor or Selectmen

Do not write in this space

[Signature]

Application for License for Public Entertainment on Sunday

(Date)

Hon. Jacqueline Schnickertz Mayor,
Chairman of Board of Selectmen, Tyngsborough
(City or Town)

Dear Sir:

The undersigned, in accordance with chapter 136 of the General Laws, as amended, hereby requests a license for _____

Auto Amuse & Entertainment

(Insert Description of Entertainment)

in or on the property at No. 315 Middlesex Street
(Name of Building)
on _____, from 1 P.M. to 4 P.M.
(Date)

The concert or entertainment above mentioned is to be in keeping with the character of the Lord's Day and not inconsistent with its due observance.

Licensee or

Authorized representative John H. Stander
(Sign name legibly)

(Sign name legibly)

(Sign name legibly)
Home Address, 116 Lowell St.

Andover MA

PROGRAM OF CONCERT OR ENTERTAINMENT[illegible]

THIS APPLICATION AND PROGRAM MUST BE SIGNED BY THE LICENSEE OR AUTHORIZED REPRESENTATIVE OF ENTERTAINMENT TO BE HELD. NO CHANGE TO BE MADE IN THE PROGRAM WITHOUT PERMISSION OF THE AUTHORITIES GRANTING AND APPROVING THE LICENSE.

THE FEE OF _____ DOLLARS TO ACCOMPANY THIS APPLICATION AND PROGRAM WHEN FORWARDED TO THE COMMISSIONER OF PUBLIC SAFETY FOR APPROVAL.



William F. Mulligan
Chief of Police

Town of Tyngsborough

Police Department AUG 11 AM 9:40
20 Westford Road

Tyngsborough, Massachusetts 01879-0549 MA.



TEL: (978) 649-7504
FAX: (978) 649-2324

To: Michael Gilleberto Town Administrator/Board of Selectmen
From: Chief William F. Mulligan
Re: Smokey Bones Poker Tournaments
Date: August 6, 2010

On August 5, 2010 I requested Sgt. Christopher Chronopoulos to go to the Smokey Bones restaurant; we had received information that they had been holding poker tournaments at that location on Sunday nights. I told the sergeant that if this were the case to inform the Manager that poker tournaments are illegal, they must meet the standard of Massachusetts General Laws under section 7A of Chapter 271.

Sgt Chronopoulos did respond to the Smokey Bone Restaurant where he advised the Manager to cease these poker tournaments. (See Attached Report)

If you should have any questions or concerns please let me know.



Tyngsborough Police Department
Incident Report

Page: 1
08/06/2010

Incident #: 10-670-OF
Call #: 10-14789

Date: 08/05/2010 1815
Report Date/Time: 08/05/2010 1916
Status: No Crime Involved
Reporting Officer: Sergeant Christopher Chronopoulos
Approving Officer: Sergeant Christopher Chronopoulos

Signature: _____

Signature: _____

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
1	ELLIOTT, BRIGIDA 431 MIDDLESEX RD TYNGSBOROUGH MA 01879	F	W	00	NOT AVAIL	978-649-5410

Military Active Duty: N
BODY: NOT AVAIL.
DOB: NOT AVAIL.
LICENSE NUMBER: NOT AVAIL.

COMPLEXION: NOT AVAIL.
PLACE OF BIRTH: NOT AVAIL.
ETHNICITY: UNKNOWN

[CONTACT INFORMATION]

Home Phone (Primary) 978-649-5410

EVENTS (S)

LOCATION TYPE: Restaurant/Cafeteria
MOKEY BONES
431 MIDDLESEX RD
TYNGSBOROUGH MA 01879

Zone: CAR 1 AREA A

1 FOLLOW UP

NARRATIVE FOR SERGEANT CHRISTOPHER CHRONOPOULOS**Ref: 10-670-OF**

Entered: 08/05/2010 @ 1924 Entry ID: S8
Modified: 08/05/2010 @ 2247 Modified ID: S8
Approved: 08/05/2010 @ 2246 Approval ID: S8

(01) On the 5th of August 2010, (Thursday) at approximately 1815hrs I responded to Smoke Bones Bar and Fire Grill. I spoke with the Manager Brigida Elliott. I advised Brigida that the Tyngsborough Police received information that Smoke Bones has hosted poker tournaments on Sunday evenings with a cash payout, and that there was a poker tournament scheduled for this coming Sunday.

(02) Brigida said that poker tournaments are played on Sunday's. I asked her if the poker tournament had a cash payout, she said the winner would get cash although no one pays into the tournament. I asked Brigida if Smokey Bones solely ran the poker tournament, she said that another person ran the tournament that was paid separately. I told Brigida to speak with her General Manager and advise them that Chief William Mulligan of the Tyngsborough Police Department commanded that this activity of the poker tournaments must cease from this point forward.

(03) Brigida said that she understood and assures that there will be no further poker tournaments.

Sgt. Christopher Chronopoulos

PLEASE RETURN SIGNED ORDER FORMS AND BILLS PROMPTLY

To Whom It May Concern:

Attached is a petition for the following:

Slint Road - place one stub pole

A Public Hearing *Will be Necessary*, Newspaper Advertising is not
Required - NOTIFICATION OF ABUTTERS ONLY!!

If any further information is required, please contact:

Mr. Robert E. Grassia, Manager/Rights of Way
Verizon
28 Diana Lane
Dracut, MA 01826
Telephone: 978-275-1294

Mass. Form 559
9-81

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Dracut, Mass.,

04/22/2010

RECEIVED

2010 MAY -4 PM 12:16

TOWN CLERK
TYNGSBOROUGH, MA

To the Board of Selectmen
of Tyngsborough, Massachusetts.

VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) and MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER) request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:-

FLINT ROAD, Place one (1) Stub Pole -

Locations approximately as shown on Plan attached

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VERIZON PLAN NO. 730, Dated 04/22/2010.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.
(Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY)

By


Manager/Right of Way

MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER)

By


Supervisor Field Engineering

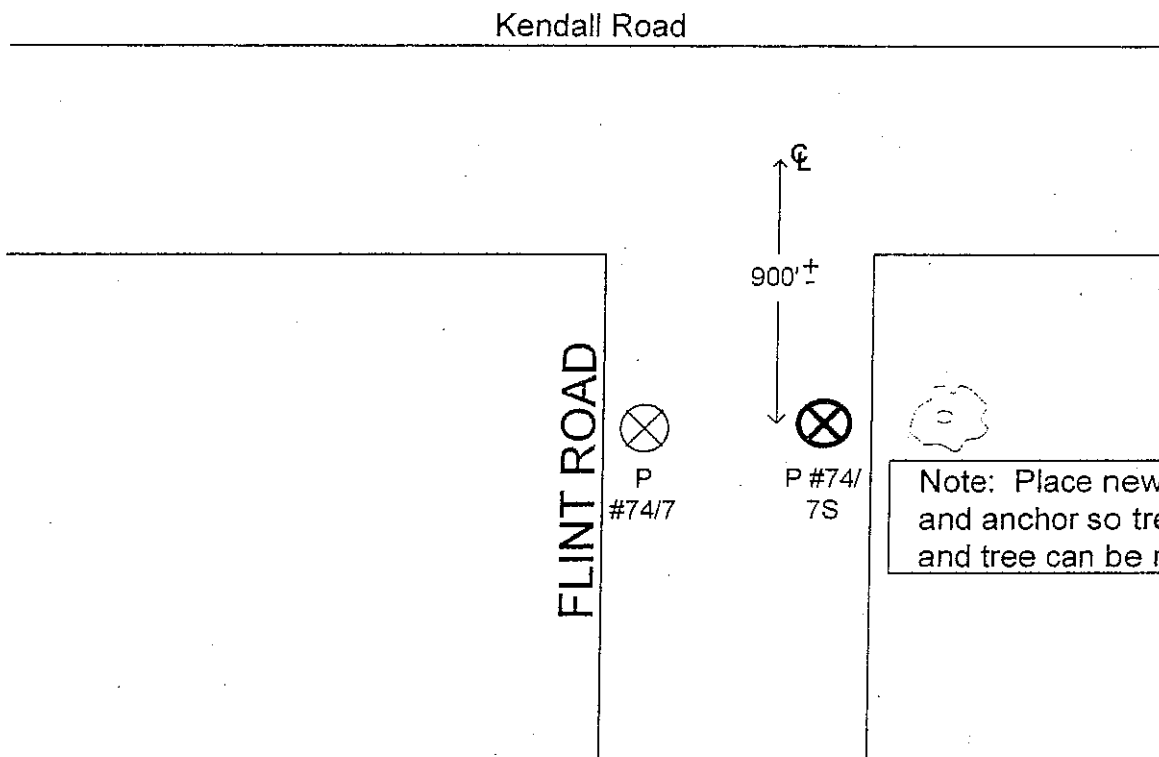
PETITION PLAN

MUNICIPALITY



Pet.# 730
Date: April 22, 2010

Municipality: Tyngsborough, Massachusetts
Verizon New England Inc. and Massachusetts Electric Company
Showing: **Proposed Joint Pole Location**



Prepared By sc/lg

DISTANCES SHOWN ARE APPROXIMATE

Checked By
Order 9ADL6T

CKM

LEGEND



- Proposed Verizon Pole Location



- Verizon Pole Location to be Abandoned



- Verizon Co. Pole to Remain



- Existing Joint Pole to Remain



- Proposed JO Pole



- Present Joint Pole Location to be Abandoned



- Tree



Therese Gay <tgay@tyngsboroughma.gov>

Verizon Pole and Tether Pole on Flint Rd

ksheehan21@comcast.net <ksheehan21@comcast.net>

Mon, May 24, 2010 at 12:47 PM

To: tgay@tyngsboroughma.gov

Cc: ksheehan21@comcast.net, Becky Zehr <beckyzehr@hotmail.com>

Dear Ms. Gay:

Thank you for taking the time to speak with me when I stopped at Town Hall on Friday, May 21st.

Per our conversation, this email is to express my agreement for a replacement pole (Pole 7 located in front of Helma and Edward Majewski's yard) as well as a tethering pole which will be located outside of my fence, in front of the barn at 22 Flint Rd. Currently, the pole is tethered to a large pine tree in my yard and a new pole will rectify this situation. I have been told by Verizon that they will place the pole directly in front of the pine tree it is currently tethered to.

Also, per your request, the following are abutters to my property and the Majewski's property.

Kerry Sheehan and Becky Zehr - 22A Flint Rd

Edward and Helma Majewski - 21 Flint Rd

Pamela and Raymond Connell - 16 Flint Rd

Linda and Marc Crocco - 26 Flint Rd

Genesta Catton - 15 Flint Rd

Michael and Jeanine Marcotte - 27 Flint Rd

Please provide me with the date for the meeting at which this topic will be discussed. There is a chance I will be out of town on business but this email should serve as my

acceptance of the replacement pole and the tethering pole (placed directly in front of the pine tree it is currently tethered to).

Please confirm receipt of this email.

Sincerely,

Kerry A. Sheehan

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES

100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114

Internet: www.Mass.Gov/DOER
Email: Energy@State.MA.US

Deval L. Patrick
Governor

TELEPHONE
617-626-7300

Timothy P. Murray
Lieutenant Governor

FACSIMILE
617-727-0030
617-727-0093

Ian A. Bowles
Secretary, Executive Office of Energy
and Environmental Affairs

Philip Giudice
Commissioner

July 14, 2010

Town Administrator Michael Gilleberto
Town of Tyngsborough
25 Bryant Lane
Tyngsborough, MA 01879

Dear Town Administrator Gilleberto:

I am pleased to inform you that the Green Communities Division has approved the Town of Tyngsborough's Green Communities grant request of \$161,649 to fund building envelope improvements in municipal buildings.

The Division reviewed the Town of Tyngsborough's grant application and has determined that the proposed activity/activities meet the eligibility requirements of the Green Communities Act and are viable, well developed projects. Over the next several weeks, your Green Communities Regional Coordinator Joanne Bissetta will be in contact with the designated representative listed on your grant application form to discuss next steps, including coordination of the grant contract process (execution of a grant agreement and developing a project schedule/plan). I have enclosed a list of the grant documents that are required to be completed by the Town of Tyngsborough and the Green Communities Division.

The Green Communities Division looks forward to working with the Town of Tyngsborough on your grant project(s). We congratulate you on your designation as a Green Community and

GRANT CONTRACT DOCUMENTS

Contract – To be provided by the Green Communities Division

- ☐ **Completed Standard Contract Form with original vendor signature**
http://www.mass.gov/Aosc/docs/Forms/Contracts/standard_contract_frm.doc

Other Grant Contract Documents – To be provided by the municipality

- ☐ **Terms and Conditions Page signed** (if no VCC exists)
http://www.mass.gov/Aosc/docs/Forms/Contracts/comm_TermsConditions.doc
- ☐ **W-9 Form signed** (now required for all contracts for collecting DUNS number)
http://www.mass.gov/Aosc/docs/Forms/VendorCustomer/newMass_W9.doc
- ☐ **EFT Form (preferred)** <https://massfinance.state.ma.us/VendorWeb/efitRegisterfrm.asp>
- ☐ **Contractor Signature Authorization Form**
http://www.mass.gov/Aosc/docs/Forms/Contracts/CASL_Form.rtf

Attachments – To be provided by the Green Communities Division

- ☐ **Attachment A Scope of Services**
- ☐ **Attachment B Budget Page** (must reflect est. expenditures by fiscal year, indirect costs)
- ☐ **Original Copy of Contract for Contract Renewals or Amendments**



PA 0611 PM 9:35
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

August 2, 2010

Board of Selectmen
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

Dear Chairman and Members of the Board:

I am writing to provide you with information regarding upcoming changes to our channel line-up in your community.

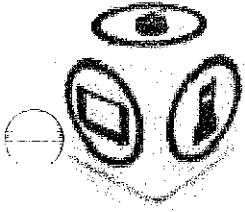
On September 2, 2010, we will be making changes to our channel lineup. Attached please find a copy of the customer communication which provides information regarding these channel lineup changes.

Should residents contact you with questions, please do not hesitate to direct them to our toll free customer service number: 1-800-COMCAST. Our Customer Account Executives are available 24 hours a day, 7 days a week to answer any questions they may have regarding Comcast products, services and prices. If you have any questions about this or any other issue, please feel free to contact me directly at 617-279-1576.

Sincerely,

Timothy Kelly
Senior Manager of Government & Community Relations

Enclosure



Important Channel Lineup Information

xfinity™

August, 2010

[Customer Name]
[123 Street Name]
[City, State 12345]

Dear [Customer Name],

We would like to make you aware of upcoming changes to your channel lineup.

Effective September 2, 2010, the following digital channels will be moving to our Digital Starter package¹. A subscription to our Digital Starter package will be required to receive these channels.

Channel Name	Ch #	Channel Name	Ch #
Jewelry TV	183	Bloomberg TV	246
PBS Kids Sprout	218	CSPAN 3	249
G4	219	G4 HD	786
History International	242	Biography HD	797
Biography	243		

These channels will no longer be available with the following packages as of the date above:

- | | | |
|------------------------------------|--------------------------------------|--------------------------------------|
| ■ Digital Bronze Package | ■ Digital Gold Package | ■ Digital Ultimate Package |
| ■ Digital Bronze Advantage Package | ■ Digital Gold Advantage Package | ■ Digital Ultimate Advantage Package |
| ■ Digital Silver Package | ■ Digital Platinum Package | |
| ■ Digital Silver Advantage Package | ■ Digital Platinum Advantage Package | |

Comcast is committed to providing you with the best entertainment for the best price. We have Comcast package options that will help you avoid missing out on your favorite channels. Call us today for a personalized package consultation.

Thank you for choosing Comcast. If you have any questions regarding these programming changes, please call one of our Customer Account Executives at **1-800-XFINITY**, 24 hours a day, 7 days a week.

Sincerely,

Steve Hackley
Senior Vice President
Greater Boston Region

1.800.XFINITY

Comcast.

Channels not available in all areas. ¹Digital Starter package includes Basic Service, Expanded Basic content, Digital Starter content, a digital set-top box and remote or CableCARD on the primary outlet. ©2010 Comcast. All rights reserved. GrandfatheredSubs-L1-CBRLP1DE



Northern Middlesex Council of Governments

PUBLIC MEETING NOTICE

The Northern Middlesex Metropolitan Planning Organization (NMMPO) will meet on **Monday, August 2, 2010 at 3:00 PM**. The meeting will be held at the Northern Middlesex Council of Governments (NMCOG) office, 40 Church Street, Suite 200, Lowell, MA. The meeting agenda is provided below.

A Multi-Disciplinary
Regional Planning
Agency Serving:

Billerica
Chelmsford
Dracut
Dunstable
Lowell
Pepperell
Tyngsborough
Westford

James G. Silva
Chair

Beverly A. Woods
Executive Director

40 Church Street
Suite 200
Lowell, MA
01852-2686
TEL: (978) 454-8021

FAX: (978) 454-8023

www.nmcog.org

AGENDA

- I. Welcome and Introductions
- II. Minutes of the June 21, 2010 Meeting
- III. Status report on TIP projects
- IV. Discuss programming options for the FY 2011-2014 TIP
- V. Review and release for public comment the Draft FY 2011-2014 TIP
- VI. Review and discuss and release for public comment the Draft FY 2011 UPWP
- VII. Discuss revising the Boston Urbanized Area MOU
- VIII. Discussion of TIGER II grant applications
 - a. Rt. 3/Exit 36 study in Tyngsborough and Nashua
 - b. Middlesex Turnpike Phase III in Billerica
- IX. Other Business
- X. Adjournment

City/Town Clerks: PLEASE POST PURSUANT TO OPEN MEETING LAW

2010 AUG 11 AM 9:43
TOWN OF SELECTMEN
TYNGSBOROUGH, MA.

**Town of Tyngsborough
Building Department**

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

August 5, 2010

To all Licenses Holders and Places of Assembly that require yearly safety inspections from the Fire Dept. and Building Dept.,

All inspections will be done **August 16, 2010 – August 27, 2010.** To receive your new licenses, proof of payment for yearly **Certificate of Inspection from the Building Department** will be required. The Selectmen's office will not issue a license without proof of payment and approved inspection.

Applicable fees must be paid to schedule any inspection

The following is a list of safety checks to assist you to be prepared for this inspection – including but not limited to:

1. Can exit doors be opened freely from the inside with one operation, day or night?
2. Do boiler room, fan and electric rooms have fire doors and are free of clutter and storage items and kept closed?
3. All fire extinguishers; ansul systems have been inspected and tagged with the proper date.
4. Required exit signs are visible and working.
5. Required emergency lights are working.

Cost of yearly Certificate of Inspection is \$40.00.

If inspection fails a re-inspection fee of \$25.00 will be required.

Respectfully,



Mark E. Dupell
Building Commissioner

cc: **Board of Selectmen**

Town Administrator, Michael P. Gilleberto
Fire Department, Captain Sands



2010 AUG -3 11:12:15

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

July 30, 2010

Board of Selectmen
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

Dear Chairman and Members of the Board:

We are writing to provide you with information regarding service updates in your community.

As of September 1, 2010, the HD Set-Top Box upgrade charge of \$7.95 will be renamed HD Technology Fee. This Fee provides access to Comcast HD technology on all outlets in the customer's home connected to HD capable equipment. The current monthly price of \$7.95 will remain the same. Additional outlet service or equipment fees may apply to each outlet connected to Comcast service. Customers are being notified of this change by bill message.

Effective September 15, 2010, the Office reactivation of video service will increase from \$1.99 to \$5.00.

Should residents contact you with questions regarding these changes, please do not hesitate to direct them to our toll free customer service number: 1-800-COMCAST. Our Customer Account Executives are available 24 hours a day, 7 days a week to answer any questions they may have regarding Comcast products, services and prices. If you have any questions about this or any other issue, please feel free to contact me directly at 617-279-1576.

Sincerely,

Timothy Kelly
Senior Manager of Government & Community Relations

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

DOMENIC J. F. RUSSO, *Chairman* | A. JOSEPH DeNUCCI, *Vice Chairman*
PAUL V. DOANE | JAMES M. MACHADO | DONALD R. MARQUIS | ROBERT B. MCCARTHY | GREGORY R. MENNIS

JOSEPH E. CONNARTON, *Executive Director*

MEMORANDUM

TO: Municipal Chief Executive Officers
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Municipal Early Retirement Incentive Program
Section 66 of Chapter 188 of the Acts of 2010
DATE: July 30, 2010

RECEIVED
JUL 31 2010
PERAC

Note: This Memorandum addresses only Section 66 of Chapter 188 of the Acts of 2010, the Municipal Early Retirement Incentive Program. Several other sections of the Act relate to public retirement systems and will be addressed in a separate memorandum.

On July 27, 2010 Governor Patrick signed the Municipal Relief Act (Chapter 188 of the Acts of 2010). He also filed a letter with the Secretary of State (pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth of Massachusetts, the Referendum II, Emergency Measures) declaring that in his opinion immediate preservation of the public peace, health, safety or convenience requires that the Act take effect immediately. As a result, the effective date of the Act is July 27, 2010. Section 66 of the Act establishes an Early Retirement Incentive Program for municipal employees. This memorandum is intended to outline this program. It is not a substitute for a careful reading of the statute. A copy of Section 66 of Chapter 188 of the Acts of 2010 is attached.

Section 66 establishes an early retirement incentive ("ERI") for municipal employees. This incentive is accepted locally and is only available to employees of cities and towns.



MEMORANDUM – Page 2

TO: Municipal Chief Executive Officers
FROM: Joseph E. Connarton, Executive Director
RE: Municipal Early Retirement Incentive Program
Section 66 of Chapter 188 of the Acts of 2010
DATE: July 30, 2010

What steps must be taken to establish and accept an ERI?

A municipality can decide to offer an ERI. The language of the Act indicates that the process is initiated by the Chief Executive Officer of the municipality. When the municipality chooses to participate, the following steps must be taken:

1. The municipality's chief executive officer ("CEO") submits the municipality's plan to the PERAC Actuary for approval within 2 months of the effective date of the act (September 28, 2010 deadline). In a town, the CEO would be the town manager or town administrator. In a city, the CEO would be mayor or the city manager under a Plan E Charter. In a city known as a town, the CEO would be the town manager or town administrator. For a municipal lighting plant, the CEO is the manager of the municipal lighting plant.
2. Once the plan is approved by the PERAC Actuary, it is submitted to the municipality's legislative body for acceptance at the next meeting of the legislative body. In a town, the legislative body would be the town meeting. In a city known as a town, the legislative body would be the town council. In a city, the legislative body would be the city council.
3. Once the plan is accepted by the legislative body, it must be published and made available to all active employees within one month of that acceptance date.
4. Employees must apply to participate in the plan within 2 months of the publication of the plan.
5. The CEO must determine which applicants for the ERI will be allowed to participate and notify them within 1 month of the date of that application deadline.
6. Applicants who are allowed to participate must retire within 2 months of date of the notification that they may participate.

What must be included in the ERI Plan to be submitted to PERAC?

The CEO shall limit the total number of participating employees, with preference given to those with greater years of creditable service. The CEO shall have the authority to determine which eligible municipal employees may participate and to approve early

MEMORANDUM – Page 3

TO: Municipal Chief Executive Officers
FROM: Joseph E. Connarton, Executive Director
RE: Municipal Early Retirement Incentive Program
Section 66 of Chapter 188 of the Acts of 2010
DATE: July 30, 2010

retirement benefits for each employee in order to avoid adverse impacts on municipal operations and services. The ERI Plan must include this information.

The ERI Plan may grant a combination of years and service not to exceed 3 total years, in full year increments. The CEO may establish a lesser amount. The allowances will be calculated pursuant to G.L. c. 32, § 5.

The plan submitted to PERAC must be accompanied by information demonstrating the value of the plan and any information requested by PERAC in order to allow it to evaluate the plan and confirm the analysis. This additional information shall include historical data upon which the plan is based, the total number of participants, the types of eligible employees, the salaries of participating employees, the benefits to be received and the limits on refilling vacated positions. In addition, the plan must include a certification that the present value cost of its plan is estimated to be less than the present value savings. PERAC may request additional information to evaluate the plan and confirm a cost analysis.

Which employees may be eligible to participate?

Subject to the limitations imposed in the plan by the CEO, in order to be eligible to participate, a municipal employee must be an active member of the applicable retirement system. He or she must have at least 20 years of creditable service. The employee's salary must be paid from an operating budget and not from federal, trust or other capital funds. In order to participate, the employee must forego the right to accrued sick and vacation time.

Can the Municipality fill the positions vacated by those who participate in the ERI?

In filling positions vacated by employees who participate in this ERI, the CEO shall be limited to paying compensation, contract and professional services in an amount that does not exceed 30% of the total annual salary of all participants in the program calculated as of their respective retirement dates in fiscal year 2011, 45% in fiscal year 2012, and 60% in fiscal year 2013.

How will the increased pension liability for an ERI be funded?

A municipality's increased pension liability resulting from participation the ERI shall be amortized over 10 years, starting in the next fiscal year after all participating employees

MEMORANDUM – Page 4

TO: Municipal Chief Executive Officers
FROM: Joseph E. Connarton, Executive Director
RE: Municipal Early Retirement Incentive Program
Section 66 of Chapter 188 of the Acts of 2010
DATE: July 30, 2010

have retired, in equal installments, and shall be separately identified in the retirement system's pension funding schedule. The amount that would have been paid to the retirees for accrued sick and vacation time shall be paid into the retirement system to reduce the additional pension liability resulting from the ERI.

What annual reports must the CEO submit to PERAC?

The CEO of a municipality that establishes an ERI program under the Municipal Relief Act shall submit an annual report to PERAC, the Executive Office for Administration and Finance and the municipal legislative body. The report shall include the salaries and positions of participants, the amount of sick and vacation time being contributed by participants, the salaries and positions of those being hired as replacements and whether the positions of participants have been permanently eliminated.

If you have questions, please contact PERAC's General Counsel, Barbara Phillips at (617) 666-4446, Extension 902.

Attachment

p:\admin\kim\muni eri § 66 c 188 acts 2010.doc

ATTACHMENT TO MUNICIPAL EARLY RETIREMENT INCENTIVE
MEMORANDUM

(Section 66 of Chapter 188 of the Acts of 2010)

Section 66

- (a) Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, a municipality which accepts this section may establish and implement an early retirement incentive program for its employees in accordance with this section.
- (b) The chief executive officer of the municipality shall limit the total number of participating employees, with preference given to those with greater years of creditable service, and shall have the authority to determine which eligible municipal employees may participate and to approve early retirement benefits for each employee in order to avoid adverse impacts on municipal operations and services.
- (c) In order to be eligible to participate in a program established under this section, in addition to any other requirements imposed by the municipality, an employee must be an active member of a municipal, regional or county retirement system with at least 20 years of service whose salary is paid from the operating budget and not from federal, trust or other capital funds.
- (d) An employee who is eligible for the early retirement incentive program may request in an application for retirement that the retirement board credit the employee with an additional retirement benefit of a combination of years of creditable service and years of age, in full year increments, the sum of which shall not be greater than 3 years, or a lesser amount established by the municipality, for the purposes of determining the employee's superannuation retirement allowance under paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws. Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with said section 5 of said chapter 32, of any employee who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of the employee's regular compensation as determined in accordance with said section 5 of said chapter 32. All participants shall forego the right to accrued sick and vacation time, and the amount that would have been paid to a retiree for accrued sick and vacation time shall be paid into the municipal, regional or county retirement system to reduce the additional pension liability resulting from this program.
- (e) In filling positions which have been vacated by employees who participate in an early retirement incentive program under this section, the chief executive officer of the municipality shall be limited to paying compensation, contract and professional services in an amount that does not exceed the following percentage of the total annual salary of all participants in the program calculated as of their respective retirement dates: 30 per cent in fiscal year 2011, 45 per cent in fiscal year 2012 and 60 per cent in fiscal year 2013.
- (f) A municipality that establishes an early retirement incentive program under this section shall provide the public employee retirement administration commission with information demonstrating the value of the plan and any information requested by the public employee retirement administration commission in order to allow it to evaluate the plan and confirm the

analysis, including historic data upon which the plan is based, the elements of the municipal plan including the total number of participants, the types of eligible employees, the salaries of participating employees, the benefits to be received and the limits on refilling vacated positions. In addition, the municipality shall certify to the public employee retirement administration commission that the present value cost of its plan is estimated to be less than the present value savings and provide the commission with all information it requests to evaluate the plan and confirm a cost analysis.

(g) In order to establish an early retirement incentive program under this section, a municipality shall:

(i) require the chief executive officer of a municipality that chooses to participate to submit its plan to the public employee retirement administration commission for approval within 2 months after the effective date of this act;

(ii) once the plan has been approved, submit to the legislative body of the municipality for acceptance not later than the next meeting of the legislative body at which the plan can practicably be submitted;

(iii) publish and make available to employees the approved plan within 1 month after its acceptance by the legislative body;

(iv) require employees to participate within 2 months of the plan's publication;

(v) determine which applicants shall be allowed to participate in the program and notify them within 1 month of the application deadline; and

(vi) require that participating employees retire within 2 months of notification of acceptance.

(h) The chief executive officer of a municipality that establishes a program under this section shall submit an annual report to the public employee retirement administration commission, the executive office for administration and finance and the municipal legislative body. The report shall include the salaries and positions of participants, the amount of sick and vacation time being contributed by participants, the salaries and positions of those being hired as replacements and whether the positions of participants have been permanently eliminated.

(i) A municipality's increased pension liability resulting from participation in a program established under this section shall be amortized over 10 years, starting in the next fiscal year after all participating employees retire, in equal installments, and shall be separately identified in the municipal, regional or county retirement system's pension funding schedule.

(j) For purposes of sections (a) to (i), inclusive, the powers and duties of the chief executive officer shall be vested in the manager of the municipal lighting plant for all matters affecting municipal lighting plant employees.

06/17/2010

Town of Tyngsborough

Page 1 of 1

Abutters List

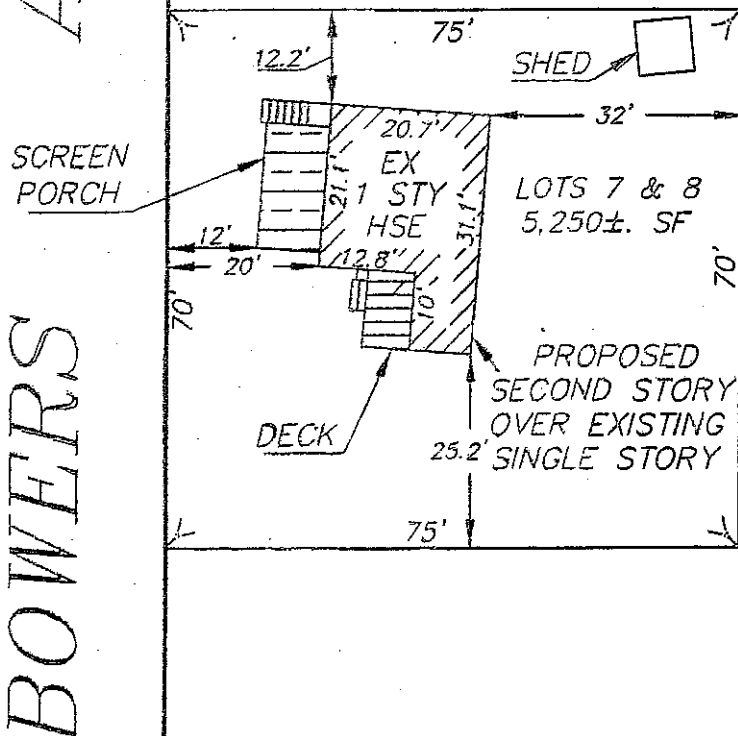
ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
32 5 0	76 WILLOWDALE RD	TREARCHIS JAMES	SUSAN	76 WILLOWDALE RD	TYNGSBOROUGH MA		01879
32A 1 0	62 WILLOWDALE RD	LEO & JANET TREARCHIS IRREV T	JOHN P TREARCHIS TRUST	62 WILLOWDALE RD	TYNGSBOROUGH MA		01879
32A 11 0	9 CHESTER AV	STE MARIE GERALD	PAULINE	9 CHESTER AV	TYNGSBOROUGH MA		01879
32A 12 0	WILLOWDALE RD	TREARCHIS JOHN P		40 WILLOWDALE ROAD	TYNGSBOROUGH MA		01879
32A 13 0	4 BOWERS AV	BRUNELLE JOHN B		4 BOWERS AV	TYNGSBOROUGH MA		01879
32A 14 0	8 BOWERS AV	FREEMAN JOSEPH L	MARY M	42 HOLLY ST	S DENNIS MA		02660
32A 15 0	10 BOWERS AV	WOJAS JAMES I		96 WEBBER ST	LOWELL MA		01851
32A 2 0	10 CHESTER AV	TREARCHIS DAVID A	LISA M	10 CHESTER AV	TYNGSBOROUGH MA		01879
32A 52 0	9 BOWERS AV	TREARCHIS DAVID A		10 CHESTER AVENUE	TYNGSBOROUGH MA		01879
32A 53 0	7 BOWERS AV	FISCHER KARL B JR		7 BOWERS AV	TYNGSBOROUGH MA		01879
32A 54 0	3 BOWERS AV	RUIZ NELSON JR &		3 BOWERS AV	TYNGSBOROUGH MA		01879
32A 55 0	71 WILLOWDALE RD	DENBY MARGARET L	RUIZ MAGALI	71 WILLOWDALE RD	TYNGSBOROUGH MA		01879
32A 56 0	4 SPRUCE AV	CURSEADEN III ALLEN T	C/O MACDOWELL MARGARI	4 SPRUCE AV	TYNGSBOROUGH MA		01879
32A 62 0	67 WILLOWDALE RD	DUFRESNE DANIEL W	DUFRESNE SANDRA T	67 WILLOWDALE RD	TYNGSBOROUGH MA		01879
32A 70 0	81 WILLOWDALE RD	COOKE MARK J	JULIE A	81 WILLOWDALE RD	TYNGSBOROUGH MA		01879

End of Report

BUILDING CERTIFICATION PLAN

AVE

BOWERS



SETBACKS ON THIS PLAN ARE FOR THE DETERMINATION OF ZONING REQUIREMENTS ONLY.

I CERTIFY THAT THE BUILDINGS AND/OR STRUCTURES ARE LOCATED AS SHOWN.

REFERENCE

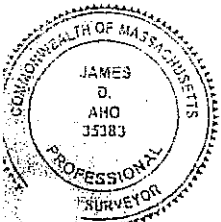
DEED: BOOK: 192 PLAN: PLAN: 13198 A
PAGE: 25 CERT: 3801

STREET 4 BOWERS AVE

CITY DRACUT, MA

APPLICANT JOHN BRUNELLE

DATE 4/13/2010 SCALE 1"=20' JOB# 5808



James D. Aho
P.L.S.

AHO SURVEYING

62 CRICKET LANE
DRACUT, MA. 01826

3801

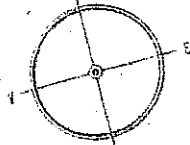
PLAN OF LAND IN TYNGSBORO

Scale 40 Feet to an inch

OCT. 1928

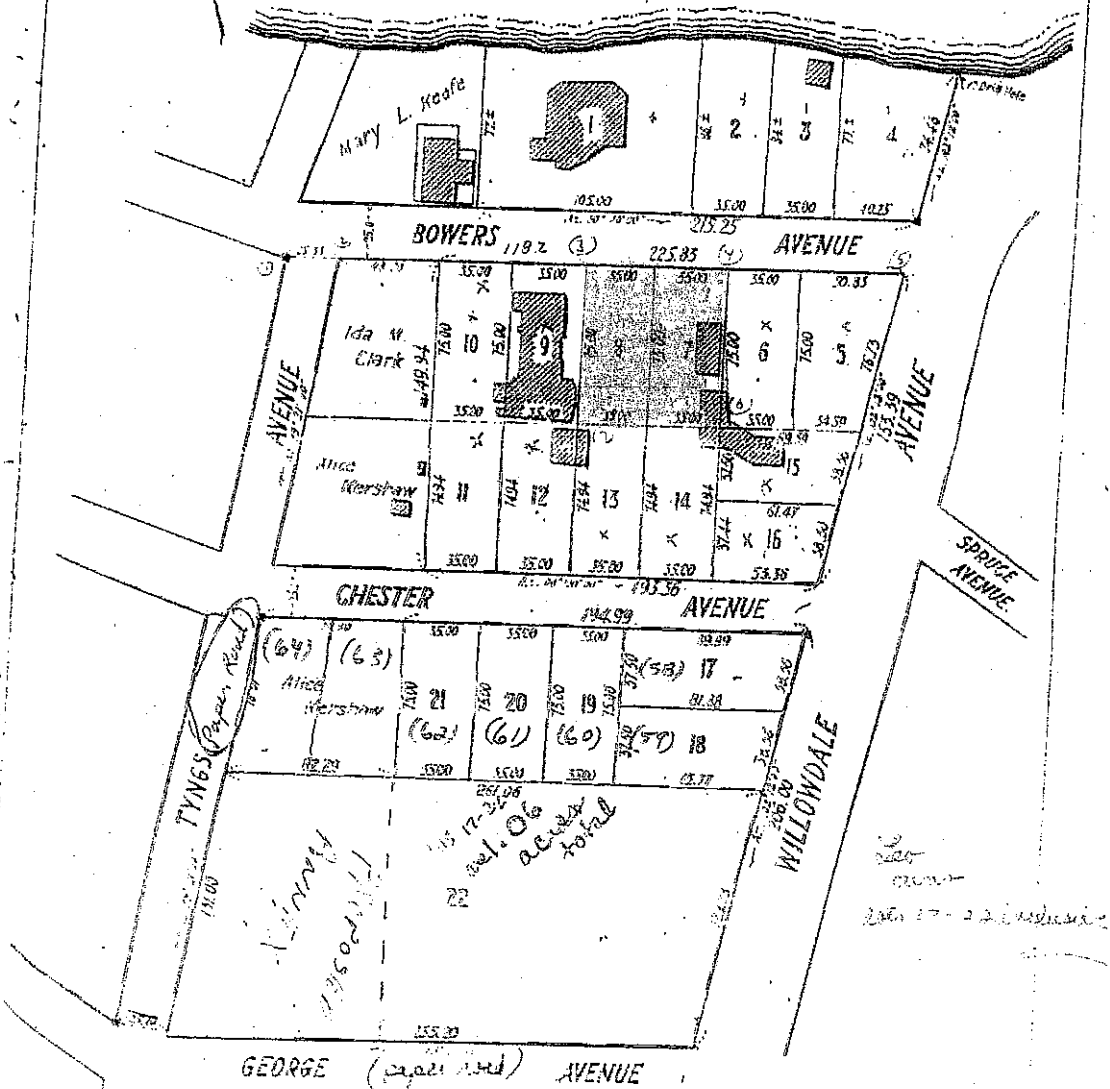
Brooks, Jordan & Graves, Civil Engineers

13198 A



TYNGS

POND



Middlesex North Registry District
MAY 27 1929

RECEIVED FOR REGISTRATION
11 O'CLOCK A.M.
FILED WITH CERTIFICATE NO. 3301
IN REGISTRATION BOOK 22 PAGE 11

Copy of part of plan
Filed in
LAND REGISTRATION OFFICE
NOV. 5, 1928
Scale of this plan 40 Feet to an inch
C. A. Humphrey, Engineer for Court

DEED

MASSACHUSETTS EXCISE TAX
Middlesex North ROD #14 001
Date: 03/07/2005 10:19 AM
Ctrl# 017879 04717 Doc# 00230315
Fee: \$902.88 coms: \$198,000.00

I, Michael J. Conley, as duly appointed Executor of the Estate of Thelma E. Conley, Middlesex Probate Court, Docket No. 01P3281EP, and pursuant to the power to sell conferred by the Will of Thelma E. Conley, filed with said Probate Court, of 5 Fort Beach Way, Marblehead, Massachusetts 01945

in consideration of One Hundred Ninety Eight Thousand Dollars (\$198,000.00),

grant to John B. Brunelle
of 589 Pelman Road, Dracut, Massachusetts 01826

with quitclaim covenants

the land in, Tyngsborough, Middlesex County, Massachusetts, situated on the southwest side of Bowers Avenue bounded and described as follows:

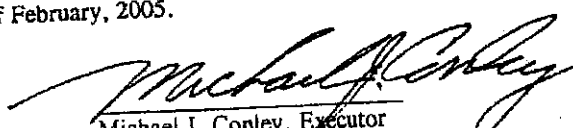
NORTHEASTERLY by Bowers Avenue, Seventy (70) feet;
SOUTHEASTERLY by Lot 6, seventy-five (75) feet;
SOUTHWESTERLY by Lots 13 and 14, seventy (70) feet; and
NORTHWESTERLY by Lot 9, seventy-five (75) feet.

All of said boundaries are determined by the Land Court to be located as shown on Plan 13198 A drawn by Brooks, Jordan & Graves, Civil Engineers, dated October 1928, as modified and approved by the Court, filed in the Land Registration Office. A copy of a portion of which is filed with Certificate of Title 3801, and said land is shown as Lots seven (7) and eight (8) on said plan.

So much of the above described land as by implication of law is included within the limits of said Bowers Avenue is subject to the rights of all persons lawfully entitled thereto in and over the same, and there is appurtenant to the land hereby registered the right to use such ways in common with all others lawfully entitled thereto.

The above described premises are subject to the provisions set forth in Document twenty-five thousand two hundred ninety-eight (25298).

EXECUTED and sealed this 25 day of February, 2005.


Michael J. Conley, Executor

COMMONWEALTH OF MASSACHUSETTS

February 25, 2005

Middlesex, ss.

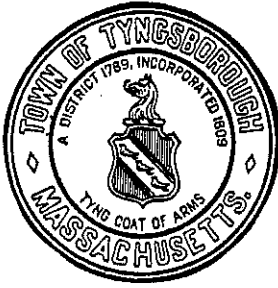
Then personally appeared the above-named Michael J. Conley, in his capacity as Executor of the Estate of Thelma E. Conley, and proved to me through satisfactory evidence of identification, which were driver's license, to be the person whose name is signed above, acknowledged the foregoing instrument to be his free act and deed before me.


Notary Public

My commission expires:

3/8/07

APPROVED FOR REGISTRATION
BY THE COURT
Diana B. [unclear]
Land Court 3/4/2005



Decision: _____

Case No: _____

Date App Filed: _____

Hearing Date: _____

Decision: _____

Do not write in this space

**TOWN OF TYNGSBOROUGH
APPLICATION TO THE BOARD OF APPEALS**

Applicant: DAVID M. TONER

Mailing Address: 241 Sherburne Ave

1. Application is hereby made: (Check one or more and fill in appropriate blank spaces.)

- ☒ (a) For a Variance from the requirements of Section ____ Para. ____ of the Zoning By-Law.
☐ (b) For a Special Permit under Section ____ Para. ____ of the Zoning By-Law
☒ (c) As a party aggrieved, for review of a decision made by the Building Commissioner or other authorities.

Set forth other authorities:

Per. Building Insp. 2.12.46 - 2.12.50

2.

☐ (a) Premises affected is vacant land and buildings numbered _____

☐ (b) Premises affected is vacant land with frontage on _____

_____ Street(s).

Describe how to locate: _____

3. (a) Premises affected in Zoning District 241 Sherburne Ave (R1)

The premises has an area of 103,122 square feet

Frontage of 200' feet. Side yard setback of 27' feet and

_____. Front yard setback of 28'4" feet.
(b) Stone bounds (are) (are not) existing on premises.

(c) Assessors Map 34, Lot 42.

4. Ownership:

Name and Address of owner (if joint ownership, give all names):

David & Kathleen Toner
201 Sherburne Ave
Tyngsboro Mass 01879

5. (a) Size of (proposed) (existing) structure: 34.5x6.3' feet.

Front: 34.5x6.3' feet.

Height: 2' feet. Stories 0.

Total floor area 217.3 square feet.

(b) Approximate date of erection, if known: 6/2009

(c) Present occupancy of use: (of each floor or section) Family home

6. Description of proposed work and use: Front porch to Replace
Concrete front landing w/ Steps 5'x4'. Conc. Steps +
landing falling Apart. Child fell going into house on
DAMAGED front Landing (2 Broken wrists).

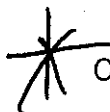
7. Has applicant made a previous appeal involving these premises to this Board: _____

If "yes" give the date of the appeal: NO

8. Deed recorded with the Middlesex North District Registry of Deeds

Book 193, Page 103

Land Court Department of said Registry of Deeds (Registered Land):



Certificate No. _____, Book _____, Page _____

Attach copy of Deed or Certificate

9. The reasons for the change that I request are as follows: (Use additional page(s), if necessary.)

Names and address of parties in interest as defined in M.G.L. c 40A, § 11.

Use additional pages(s), if necessary.)

Abutters:

All Abutters Listed Separately
- Parties of Interest Unknown -

Other parties in interest:

- unknown -

I represent that the information submitted by the undersigned is true to the best of my knowledge.

Date: 5/10/2010 Signature of person who filled out form:

David M. Toner
David M. Toner

(Type or print name, address and phone)

David M. Toner
241 Sherburne Ave
Lynsboro Ma 01879
978-703-1048

Date: 5/10/2010 Signature of Applicant: David M. Toner

(Type or print name, address and phone)

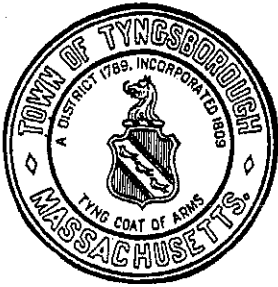
David M. Toner

241 Sherburne Ave

Tyngsboro, Ma 01879

978-703-1048

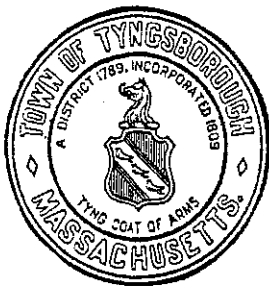
If the applicant is not the owner of the premises, please submit documentation that the owner authorizes this application.



***Town of Tyngsborough
Board of Appeals***
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 112

Instructions

1. Applications must be typed or printed. Draw a line through blanks spaces that do not apply.
2. File 12 copies completely filled out. Applications submitted with incomplete information may be grounds for disapproval.
3. A copy of the decision, if any, by the Building Commissioner or other authority, together with 12 plot plans of the affected premises must be filed.
4. A fee of \$200.00 must accompany this application. Make check payable to the Town of Tyngsborough.
5. The applicant is required to Certified Mail the Legal Notice to the abutters and submits the white receipts to the secretary once mailed; and then submit the green cards to the secretary prior to the meeting for review and filing.



**Town of Tyngsborough
Building Department**

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

September 3, 2009

David M. Toner
Kathleen Toner
241 Sherburne Avenue
Tyngsborough, MA 01879
Assessors Map 34 Block 42

Re: Un-permitted construction

Dear Sir and Madam,

Please be advised, your recently un-permitted construction of a farmers porch at the above mentioned property is in violation of the Town of Tyngsborough Zoning By-laws including but not limited to Sections:

1. 1.11.20 Compliance Certification
2. 1.11.30 Building Permit
3. 2.12.46 Front Yards
4. 2.12.50 Table of Standard Dimensional Requirements.

The un-permitted construction is in violation of the front yard setback requirement of 30 feet.

You are also in violation of 780 CMR Massachusetts State Building Code 7th Edition including but not limited to sections:

1. 5110 Application for Permit
2. 5111.2 Zoning
3. 5118 Violations

As per 5118.2 Notice of Violation, I hereby order you to remove the violation forthwith.

Copies of Applicable Zoning By-laws and Building Codes are attached for your reference.

This decision and/or order may affect your legal rights. In regard to zoning matters, you have the right to file an appeal with the Zoning Board of Appeals pursuant to Massachusetts General Laws, Chapter 40A, sections 8 and 15. In regard to building code violations, you have the right to file with the State Building Code Appeals Board pursuant to Massachusetts General Laws, Chapter 143, section 100 and the State Building Code.

Respectfully,



Mark E. Dupell
Building Commissioner

Cc: Board of Selectmen
Rosemary Cashman, Town Administrator

Attachments

TOWN OF TYNGSBOROUGH - ZONING BY-LAW

If, after such notice and demand, such violation has not been abated within the time specified, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Tyngsborough to prevent, correct, restrain or abate any violation of this By-law.

1.11.20 Compliance Certification Buildings, structures, or signs may not be erected, substantially altered, moved, or changed in use and land may not be changed in principal use without certification by the Building Inspector that such action is in compliance with then applicable zoning, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state, or local law.

1.11.30 Building Permit No building shall be erected, altered, moved razed or added to in Tyngsborough without a written permit issued by the Building Inspector. Such permits shall be applied for in writing to the Building Inspector. The Building Inspector shall not issue any such permit unless the plans for the building and the intended use thereof in all respects fulfill the provisions of the Town of Tyngsborough Zoning By-law (and other applicable town by-laws) except as may have been specifically permitted otherwise by action of the Town of Tyngsborough Board of Appeals, provided a written copy of the terms governing any exception so permitted be attached to the application for a building permit and to the building permit issued therefore. One copy of each such permit, as issued, including any conditions or exceptions attached thereto, shall be kept on file in the office of the Building Inspector.

In addition to the information required above, a plot plan shall indicate provisions for all other physical requirements of this By-law, including, but not limited to, off-street parking, screening and fencing.

Upon granting a permit the Building Inspector shall cause a copy to be posted on the property to which it relates in a conspicuous place.

1.11.40 Professional Inspection Construction on projects under a single building permit involving either one or more structures (other than one and two family dwellings) each containing 10,000 gross square feet or more, or involve 3 or more dwelling units, irrespective of type, may be done with the inspection of a registered professional engineer or architect. Such engineer or architect shall periodically, as requested by the Building Inspector, attest that all work is being done in accordance with the plans as approved for a building permit, in accordance with any stipulations of applicable permits, special permits, or variances, and in accordance with all applicable Town and State codes and regulations. Discrepancies from the above noted by such engineer or architect shall be reported forthwith to the Building Inspector. Any and all costs associated with such professional engineer's inspection shall be reimbursed to the Town by the developer.

1.11.50 Penalty Any person violating any of the provisions of this By-law, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals

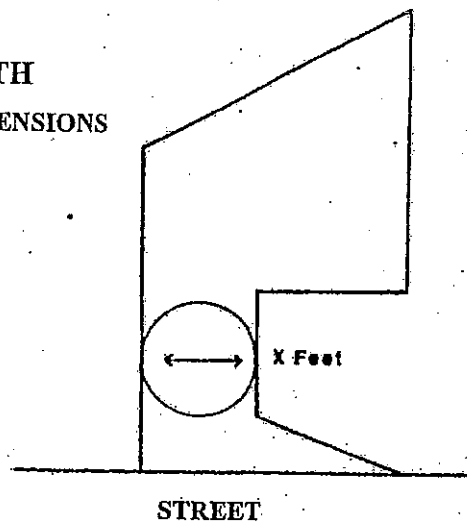
TOWN OF TYNGSBOROUGH - ZONING BY-LAW

2.12.44 If a lot has frontage on more than one street, the frontage on one street only may be used to satisfy the minimum lot frontage.

2.12.45 Lot Width - Lot width shall be determined by measuring the diameter of the largest circle which can be located along a continuous, but not necessarily straight line from the lot frontage to the principal structure on the lot without the circumference intersecting the side lot lines. (See Figure 4)

FIGURE - 4

MEASURING LOT WIDTH
REFER TO TABLE FOR DIMENSIONS



2.12.46 Front Yards - Front yards shall be the distance measured in a straight line between the lot frontage and the nearest point of any building or structure. A lot having frontage on two or more streets shall have two or more front yards, each of which shall comply with the requirements of the front yard provisions. In no case shall any building or structure be located closer to the sideline of a street than the minimum required front yard. (See Figure 5)

2.12.47 Side and Rear Yards. Side and rear yards shall be the distance measured in a straight line from the nearest point of any building or structure to each side or rear lot line. (See Figure 5)

2.12.48 Building Coverage. The building coverage shall be determined by dividing the total ground area of all buildings on a lot, including roof overhangs greater than 1.5 feet, carports and canopies, whether or not such carports or canopies are part of a building, by the total lot area.

TOWN OF TYNGSBOROUGH - ZONING BY-LAW

2.12.50 Table of Standard Dimensional Requirements

Dimension	Zoning District							
	R1	R2	1/ R3	B1	B2	B3	B4	I1
Minimum Lot Area (Square feet) X 1000	65	20	20	20	20	80	80	80
Minimum Lot Frontage (Lin. Feet)	200	75	75	100	50	150	150	200
Minimum Lot Width (Lin. Feet)	50	50	50	50	50	50	50	100
Minimum Front Yard (Lin. Feet)	30	30	30	30	30	75	75	100
Minimum Side Yard 2/ (Lin Feet)	30	20	15	15	15	30	30	40
Minimum Rear Yard 2/ (Lin Feet)	30	20	15	15	15	40	40	40
Minimum Open Space (Percent of Total Lot Area)	3/ 30	N/A	N/A	N/A	N/A	25	25	25
Maximum Building Height (Lin. Feet)	4/ 36	4/ 36	4/ 36	4/ 36	4/ 36	5/ 40	5/ 40	6/ 45

1/ Multi-family development must comply with Section 4.12.00 of this By-law. Single family homes in the R-3 district shall require 44,000 square feet of area and 200 feet frontage, and duplexes in the R-3 district shall require 88,000 square feet of area and 400 feet of frontage.

2/ See Section 3.13.00 Buffering Screening and Grading.

3/ See Section 4.14.00 Open Space Residential Development

4/ Not to exceed 2 1/2 stories

5/ Not to exceed 3 stories

6/ Not to exceed 3 1/2 stories

provisions of 780 CMR 5109 shall not apply to the specialized codes.

5109.3.1 Areas Prone to Flooding. The building official shall not grant modifications to any provision related to areas prone to flooding as established by 780 CMR 51.00 through 99.00 without the granting of a variance to such provisions by the BBRS Building Code Appeals Board as defined in 780 CMR 5122.

5109.4 Alternative Materials and Equipment.

5109.4.1 General. The provisions of 780 CMR 51.00 through 99.00 are not intended to limit the appropriate use or installation of materials, appliances, equipment or methods of design or construction not specifically prescribed by 780 CMR 51.00 through 99.00, provided that any such alternative has been approved. Alternative materials, appliances, equipment or methods of design or construction shall be approved when the building official is provided acceptable proof and has determined that said alternative is satisfactory and complies with the intent of the provisions of 780 CMR 51.00 through 99.00, and that said alternative is, for the purpose intended, at least the equivalent of that prescribed in 780 CMR 51.00 through 99.00 in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with specific performance-based provisions of 780 CMR, in lieu of a prescriptive requirement, shall also be permitted as an alternate.

5109.4.2 Evidence Submitted. The building official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the proposed alternate.

5109.4.3 Tests. Determination of acceptance shall be based on design or test methods or other such standards approved by the BBRS. In the alternative, where the BBRS has not provided specific approvals, the building official may accept, as supporting data to assist in this determination, duly authenticated engineering reports, formal reports from nationally acknowledged testing/listing laboratories, reports from other accredited sources. The costs of all tests, reports and investigations required under these provisions shall be borne by the applicant.

5109.4.4 Approval by the Construction Materials Safety Board. The building official may refer such matters to the Construction Materials Safety Board in accordance with 780 CMR 5123 for approval.

780 CMR 5110 APPLICATION FOR PERMIT

5110.1 Permit Application. It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a detached one-and two-family dwelling; or to install or alter any equipment for which a provision is made or the installation of which is

regulated by 780 CMR 51.00 through 99.00 without first filing a written application with the building official and obtaining the required building permit and all other required permits therefore.

5110.2 Temporary Structures and Uses.

5110.2.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

5110.2.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of 780 CMR 51.00 through 99.00 as necessary to ensure the public health, safety and general welfare.

5110.2.3 Termination of Approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

5110.3 Exemptions. A building permit is not required for the following activities. Such exemption, however, shall not exempt the activity from any review or permit that may be required pursuant to other laws, bylaws, rules and regulations of other jurisdictions (*e.g.*, zoning, conservation, *etc.*).

1. One-story detached accessory buildings used as tool or storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (12 m²).
2. Fences six feet (1829 mm) in height or less.
3. Retaining walls that, in the opinion of the building official, are not a threat to the public safety, health or welfare and which retain less than four feet (1220 mm) of unbalanced fill.
4. Ordinary repairs as defined in 780 CMR 52.00: *Repairs, ordinary* shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam, column or other load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, mechanical system, fire protection system, energy conservation system or other work affecting public health or general safety.
5. Greenhouses: A building permit or notice to the building official is not required for the construction of greenhouses covered exclusively with plastic film (in accordance with St. 1983, c. 671. This exemption does not apply if the greenhouse is to be used for large assemblies of

Failure to comply with 780 CMR 5110.7 Items through .7 shall result in denial of the building permit.

5110.7.1 Preparation of Construction Documents. In accordance with M.G.L. c. 112, § 60L and M.G.L. c. 112, §§ 81D through 81T, the design of any structural member, building system or parts thereof not prescriptively provided for in 780 CMR 51.00 through 99.00 may require the services of a registered design professional. A building official may require plans, specifications, calculations and/or details of sufficient clarity to ensure compliance with the relevant requirements of 780 CMR 51.00 through 99.00 and/or relevant laws, ordinances, rules and regulations.

5110.7.2 Information for Construction in Areas Prone to Flooding. Construction documents for detached one- and two-family dwellings to be constructed in flood hazard areas are required to be prepared by a registered architect or registered professional engineer (collectively referred to herein as registered design professionals) and shall include:

1. Delineation of flood hazard areas, floodway boundaries, and flood zones, and the design flood elevation, as appropriate; and
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.

5110.7.3 Design. Plans, computations and specifications involving new construction, alterations, repairs, expansions or additions or change in use or occupancy of any detached one- or two-family dwelling which are required by the building official under 780 CMR 5110 to be prepared by or under the supervision of a Massachusetts-registered architect or Massachusetts-registered professional engineer, as applicable, shall bear his or her original signature and seal. Said signature and seal shall signify that the plans, computations and specifications meet the applicable provisions of 780 CMR 51.00 through 99.00 and all accepted engineering practices. A legally recognized professional performing work as defined by M.G.L. c. 112, § 81R may be exempted from 780 CMR 5110.

5110.7.4 Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

5110.8 Amendments to Application. Subject to the limitations of 780 CMR 5110.9, amendments to a

plan, application or other records accompanying the same shall be filed prior to the commencement of the work for which the amendment to the permit is sought or issued. Such amendments shall be deemed part of the original application and shall be submitted in accordance with 780 CMR 5110.1.

5110.9 Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the building official shall grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause and upon written request by the owner.

780 CMR 5111 PERMITS

5111.1 Action on Application. The building official shall examine or cause to be examined all applications for permits and amendments thereto within 30 days after filing thereof. If the application or the construction documents do not conform to the requirements of 780 CMR 51.00 through 99.00 and all pertinent laws under the building official's jurisdiction, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of 780 CMR 51.00 through 99.00 and all laws and ordinances applicable thereto, the building official shall issue a permit therefore.

5111.2 Zoning. In accordance with the provisions of M.G.L. c. 40A or St. 1956, c. 665 as amended, no permit for the construction, alteration, change of use or moving of any detached one- or two-family dwelling shall be issued if such detached one- or two-family dwelling or use would be in violation of any zoning ordinance or bylaw.

5111.3 Railroad Right-of-way. No permit to build a structure of any kind on land formerly used as a railroad right-of-way or any property appurtenant thereto formerly used by any railroad company in the state shall be issued without first obtaining, after public hearing, the consent in writing to the issuance of such permit from the Secretary of the Executive Office of Transportation and Construction, all in accordance with M.G.L. c. 40, § 54A.

5111.4 Water Supply. No permit shall be issued for the construction of a detached one- or two-family dwelling which would necessitate the use of water therein, unless a supply of water is available therefore, either from a water system operated by a city, town or district, or from a well located on the land where the detached one- or two-family dwelling is to be constructed, or from a water corporation or company, as required by M.G.L. c. 40, § 54.

5111.5 Debris. As a condition of issuing a permit

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS
ADMINISTRATION FOR SINGLE- AND TWO-FAMILY DWELLINGS

two-family dwelling shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the building official having jurisdiction.

**780 CMR 5116 LICENSED CONSTRUCTION
SUPERVISOR SERVICES DURING
CONSTRUCTION**

5116.1 General. In accordance with 780 CMR 5108.3.5 and Special Regulation 780 CMR 110.R5, the construction, reconstruction, alteration, repair, removal or demolition of all detached one- and two-family dwellings or the field erection of any manufactured building shall be under the control of a licensed construction supervisor. Except for work under the control of a licensed tradesperson subject to other codes and/or regulations, the licensed construction supervisor shall be responsible for ensuring that all construction-related activities are performed in compliance with 780 CMR 51.00 through 99.00 and the approved construction documents, and all manufacturers' recommendations, as applicable.

At a minimum, the license holder, or responsible registered design professional if so employed to perform construction services, as identified on the building permit application or his or her licensed designee, shall be present on the building site to approve construction, reconstruction, alterations, removal or demolition involving the following work:

1. Foundation:
 - (a) Location of and excavation of foundation;
 - (b) Preparation of bearing material;
 - (c) Placement of forms and reinforcing materials (if applicable);
 - (d) Incorporation of vapor retarders (energy conservation)
 - (e) Placing of concrete (or setting of other foundation materials);
 - (f) Setting weather protection methods (if required);
 - (g) Installation of waterproofing and/or damp proofing materials; and
 - (h) Placement of backfill.

Note: If encountered in excavating for foundation placement, the licensed construction supervisor (or registered design professional) shall report the presence of groundwater to the building official and shall submit a report detailing methods of remediation.

2. Structural frame:
 - (a) Installation of joists, trusses and other structural members and sheathing materials to verify size, species and grade, spacing and

attachment/fastening methods (the licensed construction supervisor shall ensure that any cutting or notching of structural members is performed in accordance with requirements of 780 CMR 51.00 through 99.00);

- (b) Setting of masonry or other structural systems (if used).

3. Energy conservation: Installation of insulation materials, vapor and air infiltration barriers.

4. Fire protection: Installation of smoke and heat detectors and/or systems.

5. Special construction (including, but not limited to):

- (a) Chimneys;
- (b) Retaining walls over four feet (1219 mm) in height above grade.

The building official may require the license holder or his or her licensed designee (or registered design professional) to be present on the building site at other points during the construction, reconstruction, alterations, removal or demolition work as he or she deems appropriate.

Exception: Any homeowner performing work for which a building permit is required shall be exempt from the licensing provisions of 780 CMR 5108.3.5, provided that if a homeowner engages a person(s) for hire to do such work, that such homeowner shall act as supervisor and shall be subject to all applicable provisions of 780 CMR 5116. This exception shall not apply to the field erection of manufactured buildings constructed pursuant to 780 CMR 51.00 through 99.00 and Special Regulation 780 CMR 110.R3 (see definition of "Homeowner" in 780 CMR 5108.3.5.1).

Note: Registered design professionals who secure building permits for and/or perform construction services for detached one- and two-family dwellings are not required to be licensed pursuant to 780 CMR 5108.3.5, provided that said registered design professional secures such permit and performs such services under the responsibilities of his or her professional registration.

When required by the building official, at the completion of the work, prior to the issuance of a certificate of occupancy, the licensed construction supervisor, registered professional or homeowner, as applicable, shall submit a copy of the completed checklist contained in Appendix 780 CMR 120.P to the building official in verification that, to the best of his or her knowledge, the work has been executed in accordance with the provisions of 780 CMR 51.00 through 99.00.

780 CMR 5117 WORKMANSHIP

5117.1 General. All work shall be conducted, installed and completed in a workmanlike and

THE MASSACHUSETTS STATE BUILDING CODE

acceptable manner, and in accordance with manufacturer recommendations, so as to secure the results intended by 780 CMR 51.00 through 99.00.

780 CMR 5118 VIOLATIONS

5118.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to use, occupy or change the use or occupancy of any detached one- and two-family dwelling or to erect, construct, alter, extend, repair, remove or demolish any detached one- and two-family dwelling or any equipment regulated by 780 CMR 51.00 through 99.00, or cause same to be done, in conflict with or in violation of any of the provisions of 780 CMR 51.00 through 99.00.

5118.2 Notice of Violation. The building official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition or occupancy of a detached one- and two-family dwelling in violation of the provisions of 780 CMR 51.00 through 99.00, or in violation of a detail statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of 780 CMR 51.00 through 99.00. Such order shall be in writing and shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

5118.3 Prosecution of Violation. If the notice of violation is not complied with in the time period specified in said notice of violation, the building official may institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful occupancy of the detached one- and two-family dwelling in violation of the provisions of detached one- and two-family dwellings or of the order or direction made pursuant thereto.

5118.4 Violation Penalties. Whoever violates any provision of 780 CMR 51.00 through 99.00, except any specialized code referenced herein, shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both, for each such violation. Each day during which a violation exists shall constitute a separate offense. The building official shall not begin criminal prosecution for such violations until the lapse of 30 days after the issuance of the written notice of violation.

5118.5 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a detached one- and two-family dwelling or to stop an illegal act, conduct, business or occupancy of a detached one- and two-family dwelling on or about any premises.

5118.6 Notice or Orders, Service and Content. Every notice or order authorized by 780 CMR 51.00 through 99.00 shall be in writing and shall be served on the person responsible:

1. Personally, by any person authorized by the building official; or
2. By any person authorized to serve civil process by leaving a copy of the order or notice at the responsible party's last and usual place of abode; or
3. By sending the party responsible a copy of the order by registered or certified mail return receipt requested, if he or she is within the Commonwealth; or
4. If the responsible party's last and usual place of abode is unknown, by posting a copy of this order or notice in a conspicuous place on or about the premises in violation and by publishing it for at least three out of five consecutive days in one or more newspapers of general circulation wherein the building or premises affected is situated.

780 CMR 5119 STOP WORK ORDER

5119.1 Notice to Owner. Upon notice from the building official that work on any detached one- and two-family dwelling is being prosecuted contrary to the provisions of 780 CMR 51.00 through 99.00, in an unsafe and dangerous manner or contrary to the approved construction documents submitted in support of the building permit application, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.

5119.2 Unlawful Continuance. Any person who shall continue any work in or about the detached one- and two-family dwelling after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$1,000 or by imprisonment for not more than one year, or both, for each such violation. Each day during which a violation exists shall constitute a separate offense.

780 CMR 5120 CERTIFICATE OF OCCUPANCY

5120.1 General. New buildings and structures. A detached one- and two-family dwelling hereafter shall not be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the building commissioner or inspector of buildings or, when applicable, the state inspector. The certificate shall not be issued until all the work has been completed in accordance with the

PROPERTY LOCATION

No.	Alt. No.	Directions/Street/City
241		SHERBURNE AV, TYNGSBOROUGH

OWNERSHIP

Owner 1: TONER DAVID M &
Owner 2: KATHLEEN
Owner 3:
Street 1: 241 SHERBURNE AV
Street 2:
Town/City: TYNGSBOROUGH
State/Prov: MA
County: Gentry
Postal: 01879

PREVIOUS OWNER

Owner 1: TONER DAVID M.
Owner 2:
Street 1: 241 SHERBURNE AV
Town/City: TYNGSBOROUGH
State/Prov: MA
County: Gentry
Postal: 01879

NARRATIVE DESCRIPTION

This Parcel contains 2.25 ACRES of land mainly classified as ONE FAM with a(n) COLONIAL Building Built about 1964, Having Primarily VINYL Exterior and ASPHALT T Roof Cover, with 1 Units, 2 Baths, 0 HalfBaths, 0 3/4 Baths, 8 Rooms, and 4 Bedrooms.

OTHER ASSESSMENTS

Code	Description	Amount	Com. Int.
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PROPERTY FACTORS

Item	Code	Descp	%	Item	Code	Descp
Z	R1	R1	100	U	1	TYROL
0				1		
n				1		
Census:				Exmpl		
Flood Haz:						
D				Topo		
S				Street		
1				Traffic		

LAND SECTION (first 7 lines only)

Use	Description	LU	No of Units	Depth	Unit Type	Land Type
101	ONE FAM	43560			SQUARE FEET	
101	ONE FAM	1.25			ACRES EXCESS	

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
101	160,000	2,400	2.250	150,600	313,000		
Total Card	160,000	2,400	2.250	150,600	313,000	Entered Lot Size	GIS Ref
Total Parcel	160,000	2,400	2.250	150,600	313,000	Total Land	GIS Ref
Source	Market Adj Cost			Total Value per Sq Unit (Card)	140.66	Parcel	Insp Date

Parcel ID 34 42 0

USER DEFINED

Prior Id # 1: 6
Prior Id # 2: LOT 2
Prior Id # 3:
Prior Id # 1:
Prior Id # 2:
Prior Id # 3:
Prior Id # 1:
Prior Id # 2:
Prior Id # 3:

PRINT

Date	Time
11/14/2007	
11/12/2006	
12/12/2005	
16/2/2005	
15/2/2004	
10/21/2002	
10/7/2002	

LAST REV

Date	Time
09/02/09	13:13:12
09/02/05	09:34:03

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	1st Verif	Assoc Pct Value	Notes
TONER DAVID M.	193-103	8/4/2005	FAMILY	11/0	No				
DAY JAMES E	CT 33822	8/19/1998		177500	No				
WADE	CT 29666	3/29/1991	FAMILY	123000	No				
WADE	CT 29657	3/26/1991	FAMILY	11/0	No				
WADE	CT 29658	1/15/1991	FAMILY	11/0	No				
CT 14554	9/7/1995	FAMILY	01/0	No					

PAT ACT.

4101

BUILDING PERMITS

Date	Number	Descp	Amount	C.O.	Last Visi	Fed Code	F Descp	Comment
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ACTIVITY INFORMATION

Date	Resid	By	Name
12/9/2000	MEAS-INSPECTD	243	CHARLIE NICH
4/6/1992	MEASURED	394	WIC STEWART
2/25/1987	MMC INFO	999	CONVERSION

Sign VERIFICATION OF VISIT NOT DATA

Use	Description	LU	No of Units	Depth	Unit Type	Land Type	Appraised Value	Alt	%	Spec	Code	Fact	Use Value	Notes
101	ONE FAM	43560			SQUARE FEET		141,570						141,600	
101	ONE FAM	1.25			ACRES EXCESS		8,958						9,000	

Total ACRES: 2.250	Total SF/SM: 98010.00	Parcel LUG: 101	ONE FAM	Prime NB De	JD AVG	Total: 150,528	Spl Credit	Total: 1,600
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EXTERIOR INFORMATION

Type	6 - COLONIAL
Style	2 - 2
Foundation	1 - CONCRETE
Frame	1 - WOOD
Prime Wall	4 - VINYL
Sec Wall	1 - GABLE
Roof Struct	1 - ASPHALT
Roof Cover	Color
View/Desig	

BATH FEATURES

Full Bath	2	Rating	AVERAGE
A Bath		Rating	
3/4 Bath		Rating	
A3GBH		Rating	
1/2 Bath		Rating	
A HBT		Rating	
Other		Rating	

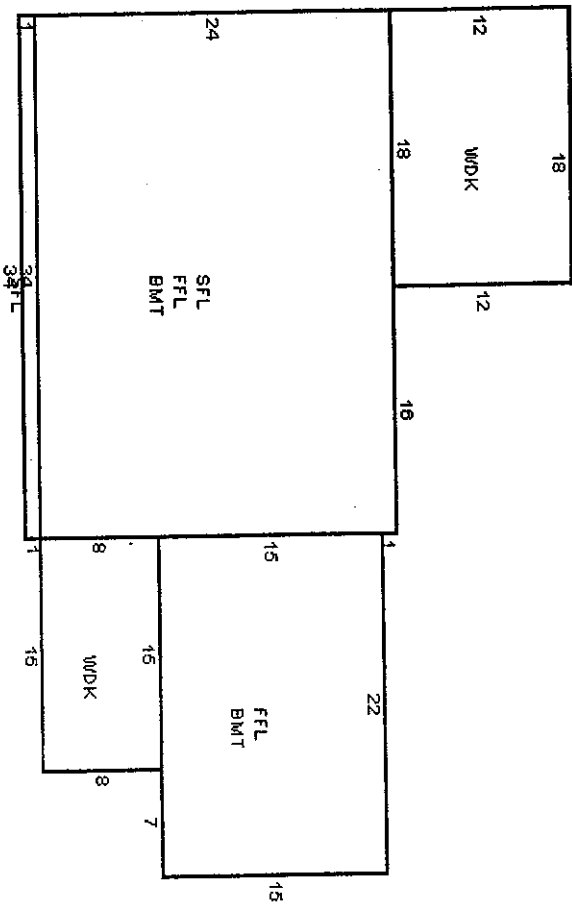
COMMENTS

SUBDIVISION PLAN 11791-B.

RESIDENTIAL GRID

1st Res Grid	2nd Res Grid	3rd Res Grid	4th Res Grid	5th Res Grid	6th Res Grid	7th Res Grid	8th Res Grid	9th Res Grid	10th Res Grid
Level	Level	Level	Level	Level	Level	Level	Level	Level	Level
Other	Other	Other	Other	Other	Other	Other	Other	Other	Other
Upper	Upper	Upper	Upper	Upper	Upper	Upper	Upper	Upper	Upper
Lower	Lower	Lower	Lower	Lower	Lower	Lower	Lower	Lower	Lower
Totals	RMS: 8	BRS: 4	Baths: 2	HB					

SKETCH



INTERIOR INFORMATION

Avg Ht/Ft	STD
Prim Int Wall	2 - PLASTER
Sec Int Wall	
Partition	1 - TYPICAL
Prim Floors	3 - HARDWOOD
Sec Floors	4 - CARPET
Bsmnt Ftr	50%
Bsmnt Con	1
Electric	3 - TYPICAL
Insulation	2 - TYPICAL
Int vs Ext S	
Heat Fuel	2 - GAS
Heat Type	3 - FORCED HW
# Heat Sys	1
% Heated	100
Solar HW	NO
% Com Wal	% Sprinkled

DEPRECIATION

Phys Cond	AV - Average	25.6%
Functional		%
Economic		%
Special		%
Override		%
Total		25.6%

CALC SUMMARY

Basic S / SQ	72.00
Size Adj	0.97354710
Const Adj	1.00500000
Adj S / SQ	70.446
Other Features	37800
Grade Factor	1.03
Neighborhood Int	1.00000000
LUC Factor	1.00
Adj Total	215058
Depreciation	55055
Depreciated Total	160003

COMPARABLE SALES

Address	Parcel ID	Type	Date	Sale Price
1234 S. Main St.	123456789	1	1/15/98	150,000
5678 E. Oak St.	987654321	1	2/1/98	160,000
9012 W. Pine St.	234567890	1	3/1/98	170,000
3456 N. Elm St.	345678901	1	4/1/98	180,000
7890 S. Maple St.	456789012	1	5/1/98	190,000
2109 E. Birch St.	567890123	1	6/1/98	200,000
6543 W. Cedar St.	678901234	1	7/1/98	210,000
1098 N. Fir St.	789012345	1	8/1/98	220,000
5432 S. Gum St.	890123456	1	9/1/98	230,000
9876 E. Hick St.	901234567	1	10/1/98	240,000
4321 W. Iron St.	012345678	1	11/1/98	250,000
8765 N. Jun St.	123456789	1	12/1/98	260,000
3210 S. King St.	234567890	1	1/1/99	270,000
7654 E. Lamb St.	345678901	1	2/1/99	280,000
2109 W. Lee St.	456789012	1	3/1/99	290,000
6543 N. Mow St.	567890123	1	4/1/99	300,000
1098 S. New St.	678901234	1	5/1/99	310,000
5432 E. Old St.	789012345	1	6/1/99	320,000
9876 W. Pea St.	890123456	1	7/1/99	330,000
4321 N. Red St.	901234567	1	8/1/99	340,000
8765 S. Tan St.	012345678	1	9/1/99	350,000
3210 E. White St.	123456789	1	10/1/99	360,000
7654 W. Yellow St.	234567890	1	11/1/99	370,000
2109 N. Green St.	345678901	1	12/1/99	380,000
6543 S. Blue St.	456789012	1	1/1/00	390,000
1098 E. Purple St.	567890123	1	2/1/00	400,000
5432 W. Brown St.	678901234	1	3/1/00	410,000
9876 N. Pink St.	789012345	1	4/1/00	420,000
4321 S. Gray St.	890123456	1	5/1/00	430,000
8765 E. Black St.	901234567	1	6/1/00	440,000
3210 W. White St.	012345678	1	7/1/00	450,000
7654 N. Yellow St.	123456789	1	8/1/00	460,000
2109 S. Green St.	234567890	1	9/1/00	470,000
6543 E. Blue St.	345678901	1	10/1/00	480,000
1098 W. Purple St.	456789012	1	11/1/00	490,000
5432 N. Brown St.	567890123	1	12/1/00	500,000
9876 S. Pink St.	678901234	1	1/1/01	510,000
4321 E. Gray St.	789012345	1	2/1/01	520,000
8765 W. Black St.	890123456	1	3/1/01	530,000
3210 N. White St.	901234567	1	4/1/01	540,000
7654 S. Yellow St.	012345678	1	5/1/01	550,000
2109 E. Green St.	123456789	1	6/1/01	560,000
6543 W. Blue St.	234567890	1	7/1/01	570,000
1098 N. Purple St.	345678901	1	8/1/01	580,000
5432 S. Brown St.	456789012	1	9/1/01	590,000
9876 E. Pink St.	567890123	1	10/1/01	600,000
4321 W. Gray St.	678901234	1	11/1/01	610,000
8765 N. Black St.	789012345	1	12/1/01	620,000
3210 S. White St.	890123456	1	1/1/02	630,000
7654 E. Yellow St.	901234567	1	2/1/02	640,000
2109 W. Green St.	012345678	1	3/1/02	650,000
6543 N. Blue St.	123456789	1	4/1/02	660,000
1098 S. Purple St.	234567890	1	5/1/02	670,000
5432 E. Brown St.	345678901	1	6/1/02	680,000
9876 W. Pink St.	456789012	1	7/1/02	690,000
4321 N. Gray St.	567890123	1	8/1/02	700,000
8765 S. Black St.	678901234	1	9/1/02	710,000
3210 E. White St.	789012345	1	10/1/02	720,000
7654 W. Yellow St.	890123456	1	11/1/02	730,000
2109 N. Green St.	901234567	1	12/1/02	740,000
6543 S. Blue St.	012345678	1	1/1/03	750,000
1098 E. Purple St.	123456789	1	2/1/03	760,000
5432 W. Brown St.	234567890	1	3/1/03	770,000
9876 N. Pink St.	345678901	1	4/1/03	780,000
4321 S. Gray St.	456789012	1	5/1/03	790,000
8765 E. Black St.	567890123	1	6/1/03	800,000
3210 W. White St.	678901234	1	7/1/03	810,000
7654 N. Yellow St.	789012345	1	8/1/03	820,000
2109 S. Green St.	890123456	1	9/1/03	830,000
6543 E. Blue St.	901234567	1	10/1/03	840,000
1098 W. Purple St.	012345678	1	11/1/03	850,000
5432 N. Brown St.	123456789	1	12/1/03	860,000
9876 S. Pink St.	234567890	1	1/1/04	870,000
4321 E. Gray St.	345678901	1	2/1/04	880,000
8765 W. Black St.	456789012	1	3/1/04	890,000
3210 N. White St.	567890123	1	4/1/04	900,000
7654 S. Yellow St.	678901234	1	5/1/04	910,000
2109 E. Green St.	789012345	1	6/1/04	920,000
6543 W. Blue St.	890123456	1	7/1/04	930,000
1098 N. Purple St.	901234567	1	8/1/04	940,000
5432 S. Brown St.	012345678	1	9/1/04	950,000
9876 E. Pink St.	123456789	1	10/1/04	960,000
4321 W. Gray St.	234567890	1	11/1/04	970,000
8765 N. Black St.	345678901	1	12/1/04	980,000
3210 S. White St.	456789012	1	1/1/05	990,000
7654 E. Yellow St.	567890123	1	2/1/05	1,000,000
2109 W. Green St.	678901234	1	3/1/05	1,010,000
6543 N. Blue St.	789012345	1	4/1/05	1,020,000
1098 S. Purple St.	890123456	1	5/1/05	1,030,000
5432 E. Brown St.	901234567	1	6/1/05	1,040,000
9876 W. Pink St.	012345678	1	7/1/05	1,050,000
4321 N. Gray St.	123456789	1	8/1/05	1,060,000
8765 S. Black St.	234567890	1	9/1/05	1,070,000
3210 E. White St.	345678901	1	10/1/05	1,080,000
7654 W. Yellow St.	456789012	1	11/1/05	1,090,000
2109 N. Green St.	567890123	1	12/1/05	1,100,000
6543 S. Blue St.	678901234	1	1/1/06	1,110,000
1098 E. Purple St.	789012345	1	2/1/06	1,120,000
5432 W. Brown St.	890123456	1	3/1/06	1,130,000
9876 N. Pink St.	901234567	1	4/1/06	1,140,000
4321 S. Gray St.	012345678	1	5/1/06	1,150,000
8765 E. Black St.	123456789	1	6/1/06	1,160,000
3210 W. White St.	234567890	1	7/1/06	1,170,000
7654 N. Yellow St.	345678901	1	8/1/06	1,180,000
2109 S. Green St.	456789012	1	9/1/06	1,190,000
6543 E. Blue St.	567890123	1	10/1/06	1,200,000
1098 W. Purple St.	678901234	1	11/1/06	1,210,000
5432 N. Brown St.	789012345	1	12/1/06	1,220,000
9876 S. Pink St.	890123456	1	1/1/07	1,230,000
4321 E. Gray St.	901234567	1	2/1/07	1,240,000
8765 W. Black St.	012345678	1	3/1/07	1,250,000
3210 N. White St.	123456789	1	4/1/07	1,260,000
7654 S. Yellow St.	234567890	1	5/1/07	1,270,000
2109 E. Green St.	345678901	1	6/1/07	1,280,000
6543 W. Blue St.	456789012	1	7/1/07	1,290,000
1098 N. Purple St.	567890123	1	8/1/07	1,300,000
5432 S. Brown St.	678901234	1	9/1/07	1,310,000
9876 E. Pink St.	789012345	1	10/1/07	1,320,000
4321 W. Gray St.	890123456	1	11/1/07	1,330,000
8765 N. Black St.	901234567	1	12/1/07	1,340,000
3210 S. White St.	012345678	1	1/1/08	1,350,000
7654 E. Yellow St.	123456789	1	2/1/08	1,360,000
2109 W. Green St.	234567890	1	3/1/08	1,370,000
6543 N. Blue St.	345678901	1	4/1/08	1,380,000
1098 S. Purple St.	456789012	1	5/1/08	1,390,000
5432 E. Brown St.	567890123	1	6/1/08	1,400,000
9876 W. Pink St.	678901234	1	7/1/08	1,410,000
4321 N. Gray St.	789012345	1	8/1/08	1,420,000
8765 S. Black St.	890123456	1	9/1/08	1,430,000
3210 E. White St.	901234567	1	10/1/08	1,440,000
7654 W. Yellow St.	012345678	1	11/1/08	1,450,000
2109 N. Green St.	123456789	1	12/1/08	1,460,000
6543 S. Blue St.	234567890	1	1/1/09	1,470,000
1098 E. Purple St.	345678901	1	2/1/09	1,480,000
5432 W. Brown St.	456789012	1	3/1/09	1,490,000
9876 N. Pink St.	567890123	1	4/1/09	1,500,000
4321 S. Gray St.	678901234	1	5/1/09	1,510,000
8765 E. Black St.	789012345	1	6/1/09	1,520,000
3210 W. White St.	890123456	1	7/1/09	1,530,000
7654 N. Yellow St.	901234567	1	8/1/09	1,540,000
2109 S. Green St.	012345678	1	9/1/09	1,550,000
6543 E. Blue St.	123456789	1	10/1/09	1,560,000
1098 W. Purple St.	234567890	1	11/1/09	1,570,000
5432 N. Brown St.	345678901	1	12/1/09	1,580,000
9876 S. Pink St.	456789012	1	1/1/10	1,590,000
4321 E. Gray St.	567890123	1	2/1/10	1,600,000
8765 W. Black St.	678901234	1	3/1/10	1,610,000
3210 N. White St.	789012345	1	4/1/10	1,620,000
7654 S. Yellow St.	890123456	1	5/1/10	1,630,000
2109 E. Green St.	901234567	1	6/1/10	1,640,000
6543 W. Blue St.	012345678	1	7/1/10	1,650,000
1098 N. Purple St.	123456789	1	8/1/10	1,660,000
5432 S. Brown St.	234567890	1	9/1/10	1,670,000
9876 E. Pink St.	345678901	1	10/1/10	1,680,000
4321 W. Gray St.	456789012	1	11/1/10	1,690,000
8765 N. Black St.	567890123	1	12/1/10	1,700,000
3210 S. White St.	678901234	1	1/1/11	1,710,000
7654 E. Yellow St.	789012345	1	2/1/11	1,720,000
2109 W. Green St.	890123456	1	3/1/11	1,730,000
6543 N. Blue St.	901234567	1	4/1/11	1,740,000
1098 S. Purple St.	012345678	1	5/1/11	1,750,000
5432 E. Brown St.	123456789	1	6/1/11	1,760,000
9876 W. Pink St.	234567890	1	7/1/11	1,

JOHN J. O'NEILL

694.86

Greenhouse

LOT 4

2.53 ACRES

⑦

106-01.

73°-58'-54'

173:41:05"

11.5.20.22

84.96

4p 4m (H) 4p
(75) 80 (3)

DAVE

(3N17 0)

⑤

Lower Bound
with d.h. (fd.)

LOT 3

2.68 ACRES

578.25

LOT 2

578.25
LOT 2
CLARENCE E. & ANGELINA N. WADE
CERT. 14554

(P4) ~~4.0~~ 83°-03'-59"

94°49' 115°28'58"
84°04'20"
95°55'40"

JOHN J. O'NEILL
200

(fd) S.B.
with d.h.

(404)

200.00

(d.v.)

Planning & Design
Not for Construction

Charmian Fleming
Wilkes Barre
Dec. 28, 1906

SUBDIVISION PLAN OF LAND IN TYNGSBOROUGH, MASS.

SCALE OF 100 FEET TO AN INCH

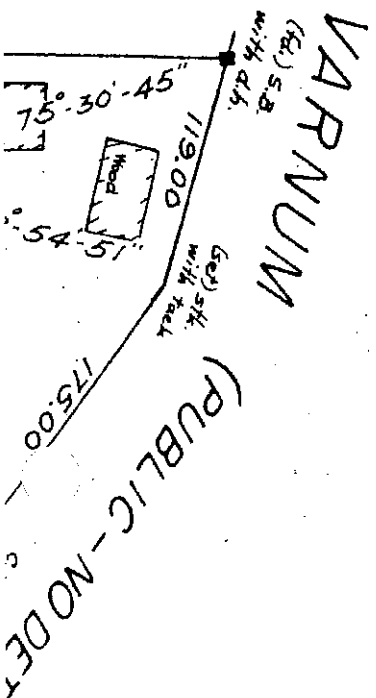
BROOKS, JORDAN AND GRAVES, CIVIL ENG'RS.

DEC. 8, 1966.

BEING THE SUBDIVISION OF A LOT SHOWN
UPON PLAN 11791⁴ FILED WITH CERTIFICATE
OF TITLE 3454 NORTH REGISTRY DISTRICT
OF MIDDLESEX COUNTY.

"I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH
LAND COURT INSTRUCTIONS OF 1959 ON DEC. 8, 1966."

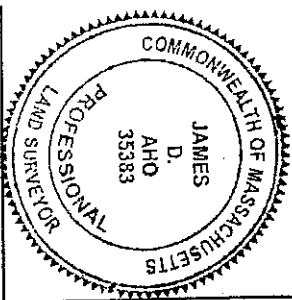
ROBERT G. COLBATH
387 MIDDLESEX ST.
LOWELL, MASS.



~~ENCLOSURE~~

BOARD OF APPEALS PLAN

SETBACKS ON THIS PLAN ARE FOR THE DETERMINATION OF ZONING REQUIREMENTS ONLY.



I CERTIFY THAT THE BUILDINGS AND/OR STRUCTURES ARE LOCATED AS SHOWN.

REFERENCE

DEED: BOOK: 193 PLAN: L.C. 11791-B
PAGE: 103 CERT: 11726

STREET 241 SHERBURNE AVENUE

CITY TINGSBORO, MA.

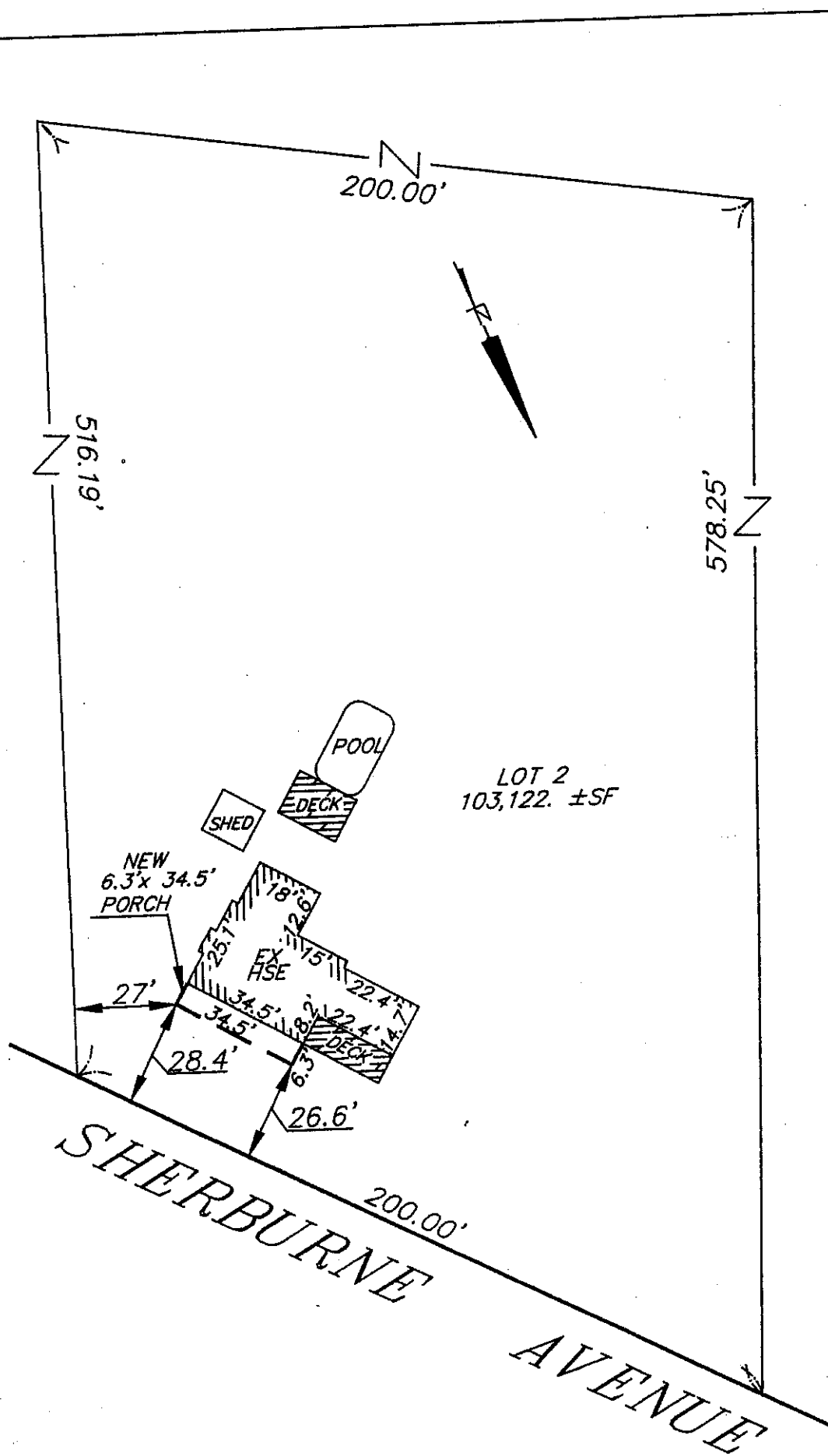
APPLICANT DAVID & KATHLEEN TONER

DATE 4/25/2010 SCALE 1"=40' JOB # 5817

AHO SURVEYING

62 CRICKET LANE
DRACUT, MA. 01826

James D. Aho
P.L.S.



LOT 2
103,122. ±SF

BOARD OF APPEALS PLAN

MASSACHUSETTS QUITCLAIM DEED

I, David M. Toner of Tyngsborough, Massachusetts, for consideration paid, and in full consideration of ONE DOLLAR AND 00/100 Dollars (U.S. \$1.00) grant to David M. Toner and Kathleen Toner, as husband & wife, Tenants by the Entirety, of 241 Sherburne Avenue, Tyngsborough, Massachusetts 01879 with **quitclaim covenants** the following property in Middlesex County, Massachusetts.

That certain parcel of land situate in Tyngsborough in the County of Middlesex and Commonwealth of Massachusetts, bounded and described as follows:

Northeasterly by Varnum Avenue, two hundred (200) feet;

Southeasterly by Lot 1, five hundred sixteen and 19/100's (516.19) feet;

Southwesterly by land now or formerly of John O'Neil, two hundred (200) feet; and

Northwesterly by land now or formerly of Valmont J.W. Theriault et ux, five hundred seventy eight and 25.100 (578.35) feet;

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 11791-B, drawn by Brooks, Jordan and Graves, Civil Engineers, dated November 22, 1960, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with the Certificate of Title 11726, and said land is shown as Lot two (2) on said plan.

For title reference see COT No. 33822

Witness my hand and seal this 2nd day of August, 2005.

David M. Toner
David M. Toner



2005 00233183
Cert: 38052 Bk: 193 Pg: 103
Recorded: 08/04/2005 10:34 AM

Commonwealth of Massachusetts

Middlesex, ss.

On this 2nd day of August, 2005 before me, the undersigned notary public, personally appeared David M. Toner, proved to me through satisfactory evidence of identification, which were ☒ driver's license or

_____ to be the person whose name(s) is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.

Barbara A. Cavall
Notary Public

My commission expires: 4-21-06

PROPERTY ADDRESS: 241 Sherburne Avenue Tyngsborough, Massachusetts 01879

COVER SHEET

ABUTTERS LIST AS PER CH 40A, SEC 11 "PARTIES OF INTEREST"

TOWN BOARD: **BOARD OF APPEALS**

LOCATION: 241 SHERBURNE AVENUE MAP 34 PARCEL 42-0

OWNER: **DAVID M & KATHLEEN TONER**

REQUESTED BY: **DAVID TONER**

PREPARED BY: ANN CONANT, ASSESSORS ASSISTANT

DATE: SEPTEMBER 14, 2009

ame

Town of Tyngsborough

9:34:55AM

Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
34 30	240 PAWTUCKET BV	CAROLE R OSHEA FAM TR	C OSHEA + C BECHTOLD TF	240 PAWTUCKET BV	TYNGSBOROUGH MA		01879
34 34 0	226 SHERBURNE AV	TATSEOS GEORGE A		226 SHERBURNE AVE	TYNGSBOROUGH MA		01879
34 35 0	236 SHERBURNE AV	TASSI PAUL S	CHERIE K	236 SHERBURNE AV	TYNGSBOROUGH MA		01879
34 36 0	238 SHERBURNE AV	JOYCE HERBERT R + ANN A		238 SHERBURNE AVE	TYNGSBOROUGH MA		01879
34 37 0	242 SHERBURNE AV	HUDZIK STANLEY M + PAMELA L		242 SHERBURNE AVE	TYNGSBOROUGH MA		01879
34 38 0	SHERBURNE AV	TATSEOS GEORGE A		226 SHERBURNE AVE	TYNGSBOROUGH MA		01879
34 39 0	246 SHERBURNE AV	WORTHY LYNN C	DONNA J	246 SHERBURNE AV	TYNGSBOROUGH MA		01879
34 40 1	22 CONSTANCE DR	WEED ERIC C	WEED KELLI J	22 CONSTANCE DR	LOWELL MA		01854
34 40 2	30 CONSTANCE DR	LE NAM		30 CONSTANCE DR	LOWELL MA		01854
34 40 3	40 CONSTANCE DR	PAVLAKOS PETER &	PAVLAKOS SANDRA	40 CONSTANCE DR	LOWELL MA		01854
34 40A 0	14 CONSTANCE DR	WITTS RANDALL F		14 CONSTANCE DR	LOWELL MA		01854
34 41 0	245 SHERBURNE AV	MARQUIS LEO H JR	LOUISE	245 SHERBURNE AV	TYNGSBOROUGH MA		01879
34 42 0	241 SHERBURNE AV	TONER DAVID M &	KATHLEEN	241 SHERBURNE AV	TYNGSBOROUGH MA		01879
34 43 0	237 SHERBURNE AV	SOW ARNAUD G &	ARMELLE	237 SHERBURNE AV	TYNGSBOROUGH MA		01879
34 44 0	SHERBURNE AV	GREATER LOWELL REGIONAL	VOC-TECH H S	250 PAWTUCKET BV	TYNGSBOROUGH MA		01879
34 6 0	250 PAWTUCKET BV	GREATER LOWELL REGIONAL	VO-TECH H S	250 PAWTUCKET BV	TYNGSBOROUGH MA		01879

There will be additional abutters in Lowell.

End of Report

Susan A. LeMay, M.A.A.
Chief Assessor

Joel H. Cohen, M.A.A.
Assessor

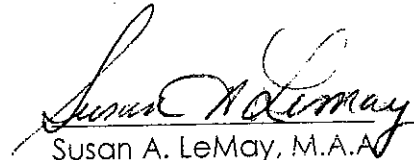
Karen A. Golden, M.A.A.
Assessor

September 23, 2009

To Whom It May Concern:

This is to attest that the individuals described on the attached listing are the Certified list of parties in interest in Lowell, MA of the premises located at 1614 Varum Avenue, Lowell, MA.

Very truly yours,


Susan A. LeMay, M.A.A.
Chief Assessor
Board of Assessors

Abutters List – Board of Appeals
Attachment(s) – 2 pages
cc: Assessor File

sal/cag

Re: 14 CONSTANCE DR

WIT RANDALL F
14 CONSTANCE DR
LOWELL MA 01854-1001

Re: 29 CONSTANCE DR

COOK KATHRYN
29 CONSTANCE DR
LOWELL MA 01854-1003

Re: 1467 PAWTUCKET BLVD

CITY OF LOWELL
GREATER LOWELL REGIONAL VOCATIONAL
1467 PAWTUCKET BOULEVARD
LOWELL MA 01854

Re: 1568 VARNUM AVE

GR LOWELL REG VOC SCHOOL
DISTRICT
PAWTUCKET BLVD
TOWN OF LOWELL MA 01879

Re: 1577 VARNUM AVE

TANG YU GEORGE
TANG KOUNH
1577 VARNUM AVE
LOWELL MA 01854

Re: 1581 VARNUM AVE

LIFELINKS INC
145 LEXINGTON AVE
LOWELL MA 01854

Re: 1595 VARNUM AVE

CAMPBELL JAMES C
CAMPBELL ANITA L
1595 VARNUM AVE
LOWELL MA 01854-1007

Re: 22 CONSTANCE DR

WEED ERIC C
WEED KELLI J
22 CONSTANCE DR
LOWELL MA 01854

Re: 30 CONSTANCE DR

LE NAM
30 CONSTANCE DR
LOWELL MA 01854

Re: 1546 VARNUM AVE

PEREIRA JOSEPH M
WIITALA ANNMARIE
1546 VARNUM AVE
LOWELL MA 01854

Re: 1570 VARNUM AVE

MANNING JAMES A
MANNING PATRICIA
1570 VARNUM AVE
LOWELL MA 01854-1012

Re: 1578 VARNUM AVE

BOUSIOS EFTHIMIOS G
BOUSIOS ANTONIOS
1578 VARNUM AVE
LOWELL MA 01854

Re: 1582 VARNUM AVE

MCANENEY RITA M
1582 VARNUM AVE
LOWELL MA 01854-1012

Re: 1600 VARNUM AVE

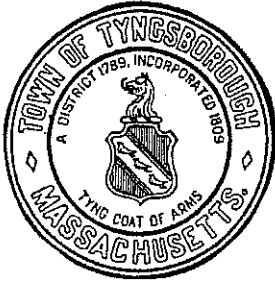
ST ARMAND RONALD
1600 VARNUM AVE
LOWELL MA 01854

Re: 1614 VARNUM AVE

DE SOUSA JAMMY L
DE SOUSA SANDRA P
1614 VARNUM AVE
LOWELL MA 01854

Re: 1619 VARNUM AVE

BOWLAN ROBERT J
BOWLAN ELIZABETH A
1619 VARNUM AVE
LOWELL MA 01854-1009



Case No	Robert F. Maciel & Beverly Maciel 265 Pawtucket Blvd.
Date Ap	Case: 10-08-01 5 August 2010
Hearing	_____
Decision:	_____
Do not write in this space	

**TOWN OF TYNGSBOROUGH
APPLICATION TO THE BOARD OF APPEALS**

Applicant: Robert F. Maciel and Beverly Maciel

Mailing Address: 265 Pawtucket Boulevard, Tyngsboro, MA 01879

1. Application is hereby made: (Check one or more and fill in appropriate blank spaces.)

- ☒ (a) For a Variance from the requirements of Section ____ Para. ____ of the Zoning By-Law. *modification of prior variance*
- ☐ (b) For a Special Permit under Section ____ Para. ____ of the Zoning By-Law
- ☐ (c) As a party aggrieved, for review of a decision made by the Building Commissioner or other authorities.

Set forth other authorities:

See variance dated April 22, 2004 attached hereto and building inspector letter dated April 30, 2009.

2.

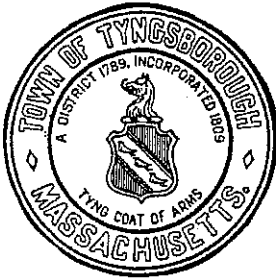
- ☒ (a) Premises affected is vacant land and buildings numbered _____
265 Pawtucket Boulevard, Tyngsboro, MA 01879
- ☐ (b) Premises affected is vacant land with frontage on Pawtucket Boulevard
_____ Street(s).

Describe how to locate: _____

3. (a) Premises affected in Zoning District R-1

The premises has an area of 15,819 square feet

Frontage of * feet. Side yard setback of * feet and



Town of Tyngsborough

Board of Appeals

Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 112

INSTRUCTIONS FOR APPLICATION

1. Submit a **Certified Plot Plan** showing total square foot area, frontage, side yard and rear yard dimensions. All dwellings and existing structures must be shown on this plan. **Further, the proposed addition or dwelling, or structure must be clearly labeled on this Certified Plot Plan.**
A mortgage plan is **not** acceptable substitute for a Certified Plot Plan.
2. A **Certified List of Abutters** must accompany the application when filed. **This list is available from the Assessors Office. \$15.00 fee for the list.**
3. The applicant must submit a copy of "Plan of Land" showing how the lot or lots were originally created. This plan will show how the boundaries of the lots were set and their total area square footage.
4. The applicant or petitioner is **required** to present a copy of deed recorded at the Registry or Land court confirming that the name of the owner on the petition is exactly the same as it appear on the deed.
5. The Board of Appeals members highly recommend the applicant or petitioner to purchase the Tyngsborough Zoning By-Laws book. Books available at the Inspectional Dept. They are also available on web site:
www.Tyngsboroughma.gov.
6. The applicant shall submit twelve (12) copies of the complete application along with a check for \$ 200.00 payable to Town of Tyngsborough to the Zoning Board of Appeals Secretary. In addition (1) copy of the complete application must be filed simultaneously with the Town Clerk.
7. Hearings are held on the 2nd Thursday of the month for applications received by the 15th of the previous month. If the 15th day of the month falls on the weekend or holiday, the applicant has until 12:00 Noon on the next business day to file the application.

Failure of the applicant to complete the steps above will result in the application being rejected by the Zoning Board of Appeals and returned to the applicant. The rejected application form will detail the reason for the Denial with a copy filed with the Town Clerk.

Tyngsborough Board of Appeals

* _____. Front yard setback of _____ feet. * See attached plans and records.
(b) Stone bounds (are) (are not) existing on premises.

(c) Assessors Map 34, Lot 19.

4. Ownership:

Name and Address of owner (if joint ownership, give all names):

Same

5. (a) Size of (proposed) (existing) structure: N/A feet.

Front: N/A feet.

Height: N/A feet. Stories N/A.

Total floor area N/A square feet.

(b) Approximate date of erection, if known: N/A

(c) Present occupancy of use: (of each floor or section) _____

Primary residence

6. Description of proposed work and use: Seeking to eliminate requirement
to remove 891 sq. feet of pavement as shown due to hardship.

7. Has applicant made a previous appeal involving these premises to this Board: _____

If "yes" give the date of the appeal: 4/22/04

8. Deed recorded with the Middlesex North District Registry of Deeds

Book _____, Page _____ See attached.

Land Court Department of said Registry of Deeds (Registered Land):

Certificate No. _____, Book _____, Page _____

Attach copy of Deed or Certificate

9. The reasons for the change that I request are as follows: (Use additional page(s), if necessary.)

Names and address of parties in interest as defined in M.G.L. c 40A, § 11.

Use additional pages(s), if necessary.)

Abutters:

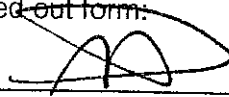
See abutters list filed herewith.

Other parties in interest:

William and Sharon Harvey, 267 Pawtucket Boulevard, Tyngsboro, MA 01879

I represent that the information submitted by the undersigned is true to the best of my knowledge.

Date: 7/12/10 Signature of person who filled out form:



Peter J. Nicosia, Esquire

(Type or print name, address and phone)

PO Box 721

Tyngsboro, MA 01879

978-649-4300

Date: 7/12/10

Signature of Applicant: Beverly Maciel

Robert F Maciel

Robert & Beverly Maciel

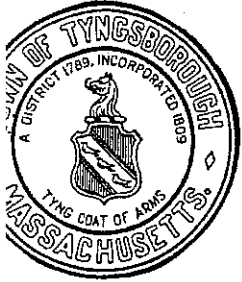
(Type or print name, address and phone)

265 Pawtucket Boulevard

Tyrngshoro, MA 01879

If the applicant is not the owner of the premises, please submit documentation that the owner authorizes this application.

* *Memorandum to be submitted by attorney Nicosia in advance or at hearing.*



***Town of Tyngsborough
Board of Appeals***

Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 112

Instructions

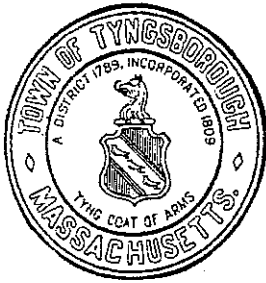
Applications must be typed or printed. Draw a line through blanks spaces that do not apply.

File 12 copies completely filled out. Applications submitted with incomplete information may be grounds for disapproval.

A copy of the decision, if any, by the Building Commissioner or other authority, together with 12 plot plans of the affected premises must be filed.

A fee of \$200.00 must accompany this application. Make check payable to the Town of Tyngsborough.

The applicant is required to Certified Mail the Legal Notice to the abutters and submits the white receipts to the secretary once mailed; and then submit the green cards to the secretary prior to the meeting for review and filing.



**Town of Tyngsborough
Building Department**

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

April 30, 2009

Robert F. Maciel
265 Pawtucket Blvd.
Tyngsborough, MA 01879
Assessors Map 34, Block 19

Re: Letters dated 11-12-08, 11-13-08 (Attached)

Dear Sir,

As of this date- you have not conformed to the conditions as stated in my letter dated 11-13-08 and your verbal agreement to me to do so.

Please contact this office in writing within 7 days of this date with your response.

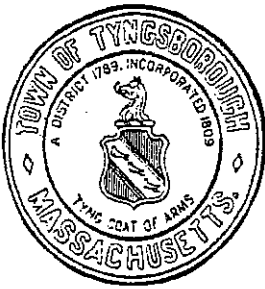
A failure to act on your part will result in further action by this office.

Respectfully,

Mark E. Dupell
Building Commissioner

Cc/ Board of Selectmen

Rosemary Cashman, Town Administrator
Atty. David Plunket, Gateway Construction II, 151 Warren St., Suite 230, Lowell, MA 01852



**Town of Tyngsborough
Building Department**

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112
Fax # 978-649-2301

November 13, 2008

Robert F. Maciel
265 Pawtucket Blvd.
Tyngsborough, MA 01879
Assessors Map 34, Block 19

Re: Board of Appeals Violation

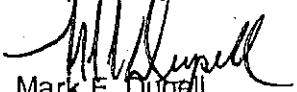
Dear Sir,

In response to your letter dated November 12, 2008 (Copy attached.)

I offer the following:

1. I agree to allow you to delay the landscaping work until April 15, 2009 as requested, provided you file for a finding from the Zoning Board of Appeals forthwith for a modification to the granted variance regarding Mass Highway's Right of Way.
2. You or your legal counsel should contact the Zoning Board of Appeals to apply for a hearing.

Respectfully,


Mark E. Dupell
Building Commissioner

Cc/ Board of Selectmen

Town Administrator- Rosemary Cashman
Atty. David Plunket, Gateway Center II, 151 Warren St., Suite 230, Lowell, MA 01852-2647

November 12, 2008

Town of Tyngsborough
Building Department
25 Bryants Lane
Tyngsborough, Ma 01879

Re: 265 Pawtucket Blvd
Tyngsboro, Ma
Board of Appeals Variance

Mr. Mark Dupell,

I received your letter dated November 3, 2008 regarding my Board of Appeals Variance Violation. The approved plan shows (2) locations of pavement to be removed from the site and converted into lawn area. Approximately 891 s.f. of pavement to be removed is shown within the Massachusetts Highway Department right of way. After speaking with you it is my understanding that I do not have to remove this area of impervious area due to the extensive and expensive survey and engineering costs.

The second area of pavement to be removed is located between the garage and Massachusetts Highway Department right of way. I am requesting the Board of Appeals to allow me to perform this work in the spring of 2009 or at the beginning of the growing seasons approximately April 15, 2008. Unfortunately due to the time of year and the end of the growing season I will be unable to grow any lawn area once the pavement is removed.

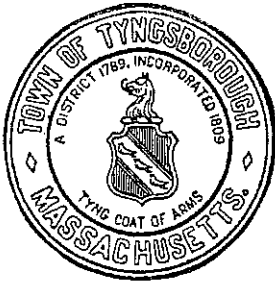
In addition I would also like to discuss with you the possibility to modify the variance to exclude this work. If you have any questions or concerns regarding the above information please do not hesitate to call.

Sincerely,



Robert F. Maciel

Cc: Board of Selectmen
Town Administrator - Rosemary Cashman



**Town of Tyngsborough
Building Department**

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112
Fax # 978-649-2301

October 8, 2008

Robert F. Maciel
Beverly Maciel
265 Pawtucket Blvd.
Tyngsborough, MA 01879
Assessors Map 34 Block 19

Re: B.O.A. Variance Violation

Dear Sir and Madam,

Please be advised, this office was requested to investigate the above mentioned.

Upon my inspection of the premises on Tuesday Oct. 7, 2008 I found that the paved parking area in front of the property has not been removed and re-designed with less pavement area and more sod/seeded lawn as shown on approved site plan.

Attached please see copies of pre-existing site plan and approved site plans having required changes.

Please address this matter forthwith.

Thank you in advance for your cooperation.

A failure to act on your part will result in further action by this office.

Respectfully,


Mark E. Dupell
Building Commissioner

Cc/ Board of Selectmen

Town Administrator- Rosemary Cashman

Atty. David Plunkett, Gateway Center II, 151 Warren St., Suite 230, Lowell, MA



Town of Tyngsborough Board of Appeals

Town Hall
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
(978) 649-2300 x 112
Fax: (978) 649-2301

VARIANCE

Town of Tyngsborough
Board of Appeals

Applicant: *Beverly & Robert Maciel*
Hearing Dated: *April 22, 2004*
Decision Dated: *May 6, 2004*

DECISION

Background Statement:

The Board of Appeals conducted a properly advertised public hearing on *April 22, 2004*.

The hearing was advertised and read as follows:

*Robert and Beverly Maciel, 265 Pawtucket Blvd., Assessors Map 34-19-0,
to obtain a variance from the minimum lot area, minimum frontage, side
and rear yard setbacks to construct a new house and garage. R-1 Zone.
Section(s) 2.12.40, 2.12.42, 2.12.46, 2.12.47*

The Applicant was represented by *James Block of James D. Block Architects* at the public hearing.

The Board Members sitting on this hearing were:

Eileen Farrell, Chair
Gary Ralls
Chris Mechalides

Claire Cloutier
Julie Chasse

At the public hearing the Board heard testimony and received documents from the applicant. There were *two* at the public hearing that spoke in favor of the request for variance and *one* who spoke in opposition to the request for variance.

Findings of Fact:

1. The property in question located at 265 Pawtucket Blvd, contains approximately 15,819 square feet of land area, is Zoned R-1, Low Density Residential District.
The property is surrounded by the same kinds of properties, single family residential.
2. The applicant is seeking relief from *minimum lot size, minimum frontage, and side and rear setbacks.*
3. The applicant presented to the Board a plan showing the proposed *construction of a single family house and garage.*
Said plan(s) are attached and made a part of the decision.
4. The applicant did not present to the Board that there existed a substantial hardship to the property due to soil conditions, lot shape, or topography.

The hearing was closed and the Board deliberated on the application and the decision was reached after the following took place:

Decision:

The Board discussed the hearing taking into consideration the facts as presented by the applicant and the concerns of all parties concerned.

The following was determined from the discussion and is made a part of the decision record:

- A. The applicant had a right to appear before the Board under the existing By-laws;
- B. The Board determined that the intent and purpose of the Zoning By-law have been met and therefore will not substantially derogate from the intent and purpose of the By-laws;
- C. The motion was made to **GRANT** the Variance by *Gary Ralls* and seconded by *Julie Chasse*, with the following conditions:

Conditions:

1. The applicant shall follow the plan(s) as presented to the Board of Appeals at the public hearing on *April 22, 2004*, titled *Site Plan Showing Proposed New House and New Garage*, dated *March 3, 2004* and is made a part of the decision.
2. The granting of this variance is conditioned upon:
 - a. The garage is not to be used as a business,
 - b. Electricity will be allowed to the garage but not water or sewer.

3. Voting for the motion to **approve** was:

Gary Ralls

Claire Cloutier

Chris Mechalides

Julie Chasse

Christina Mechalides

Julie Chasse

Voting for the motion to **deny** was:

Eileen Farrell

Ellen Farrell

The Motion *carried 4:1* and the variance was **GRANTED**

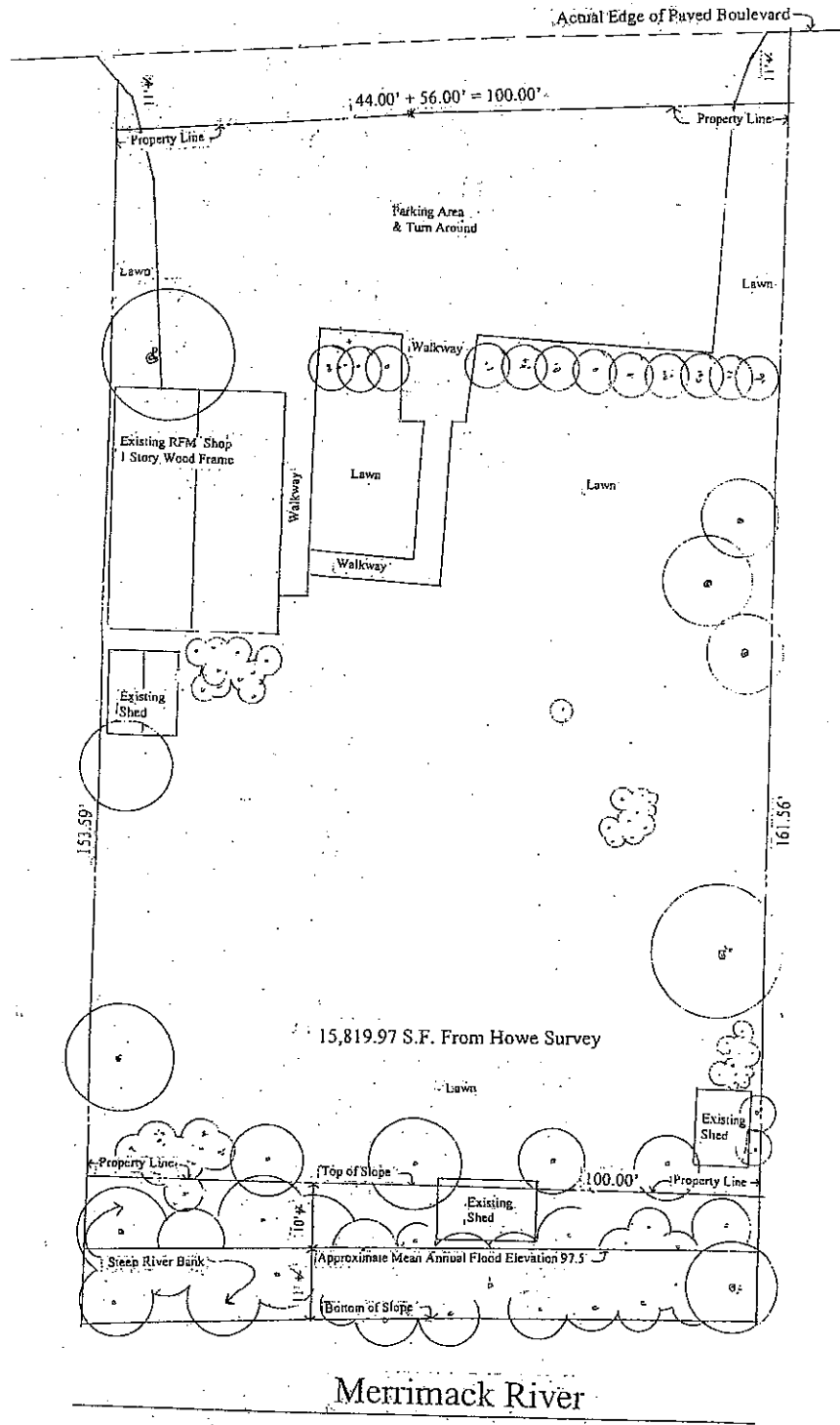
Special Instructions to the Applicant:

Any person aggrieved by the decision of the Board of Appeals or any special permit granting authority, whether or not previously a party to the proceedings, or any municipal officer or board may, as provided for in Mass, General Laws, Chapter 40A, Section 17, appeal to the Superior Court or Land Court by bringing action within twenty (20) days after the decision has been filed in the office of the Town Clerk.

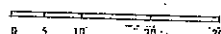
END OF DOCUMENT

Richard P. Howe Jr.

Pawtucket Boulevard – Route 113



Site Plan Showing Existing Conditions



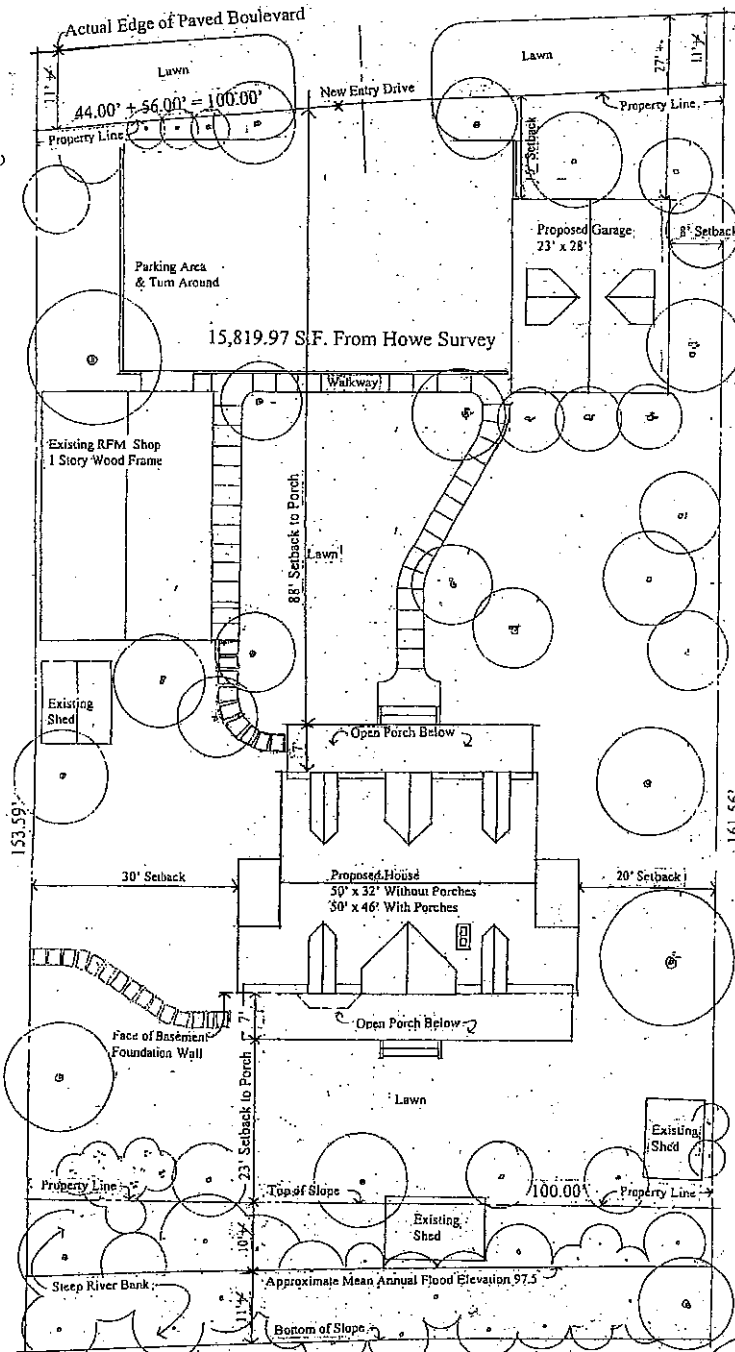
General Note:
This site plan layout is based on dimensions
and information provided by the certified
plot plan (dated 5-9-03) from Howe Surveying
Associates Inc. of Chelmsford, MA



Owners:
Robert and Beverly Maciel
265 Pawtucket Blvd.
Tyngsboro, MA 01879

3 March 2004

Pawtucket Boulevard – Route 113



Merrimack River

Site Plan Showing Proposed
New House and New Garage

General Note:
This site plan layout is based on dimensions
and information provided by the certified
plot plan (dated 3-9-03) from Howe Surveying
Associates Inc. of Chelmsford, MA

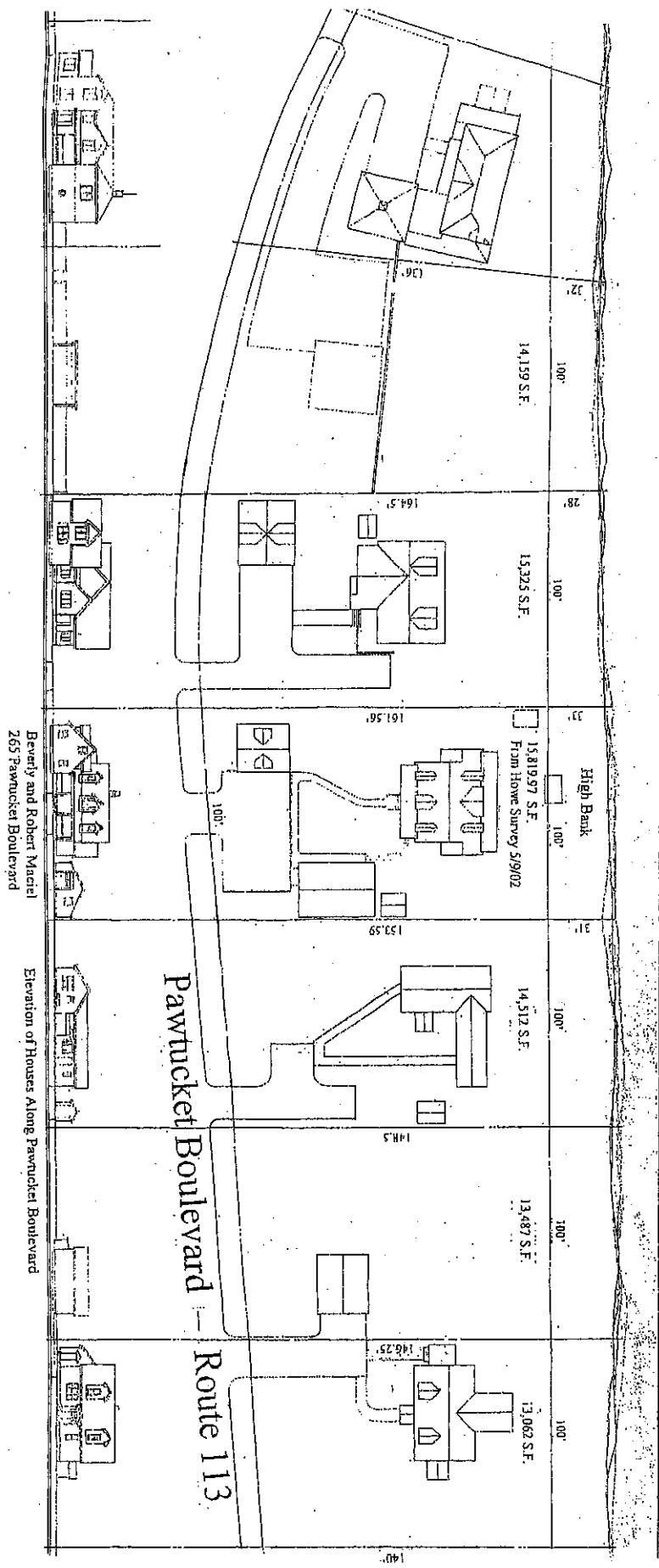
Owners:
Robert and Beverly Maciel
265 Pawtucket Blvd.
Tyngsboro, MA 01879

3 March 2004

James D. Block Architects
24 Shepard Street
Cambridge, MA 02138
Tel 617 876-8817

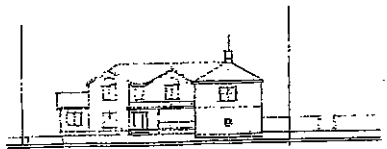
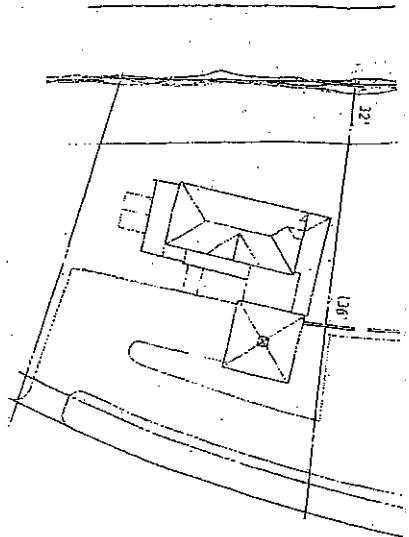


Merrimack River



Beverly and Robert Maciel
265 Pawtucket Boulevard

Elevation of Houses Along Pawtucket Boulevard



Site Plan Showing the Neighborhood Along Pawtucket Boulevard

0 10 20 40 60

General Note:

This site plan layout is based on dimensions
and information provided by the Plan of Lots
in Tyngsboro Surveyed by D.G. Williams -
October 22, 1904.

33 Page 4



Owners:
Robert and Beverly Maciel
265 Pawtucket Boulevard
Tyngsboro, MA 01879

3 March 2004

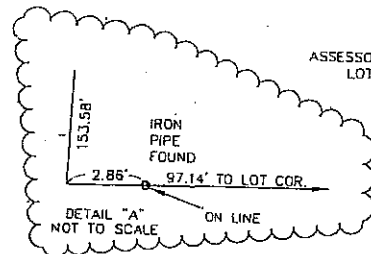
18866 STATE HIGHWAY LAYOUT

PAV

IRON
PIPE
FOUND

812.45'

ASSESSORS MAP 34
LOT 19



IRON
PIPE
FOUND
(SEE DETAIL "A")

TOP BANK

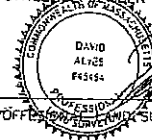
APPROX. MEAN AL

CERTIFICATION

I HEREBY CERTIFY THAT:

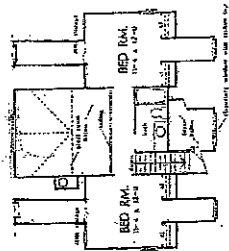
1. THE EXISTING BUILDING OFFSETS ARE AS SHOWN.

2. THE EXISTING STRUCTURES LIE IN
ZONE C AS SHOWN ON
FEMA, FLOOD INSURANCE RATE MAP
COMMUNITY-PANEL #250220 0004 B
DATED OCTOBER 2, 1982

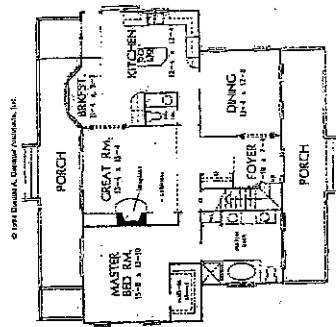
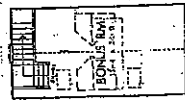


PROFESSIONAL SURVEYOR

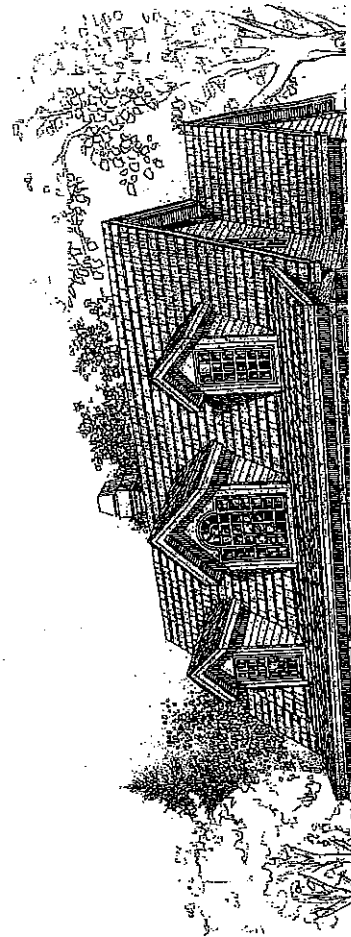
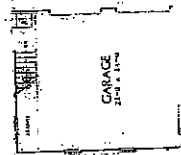
Mar 5, 2004
DATE

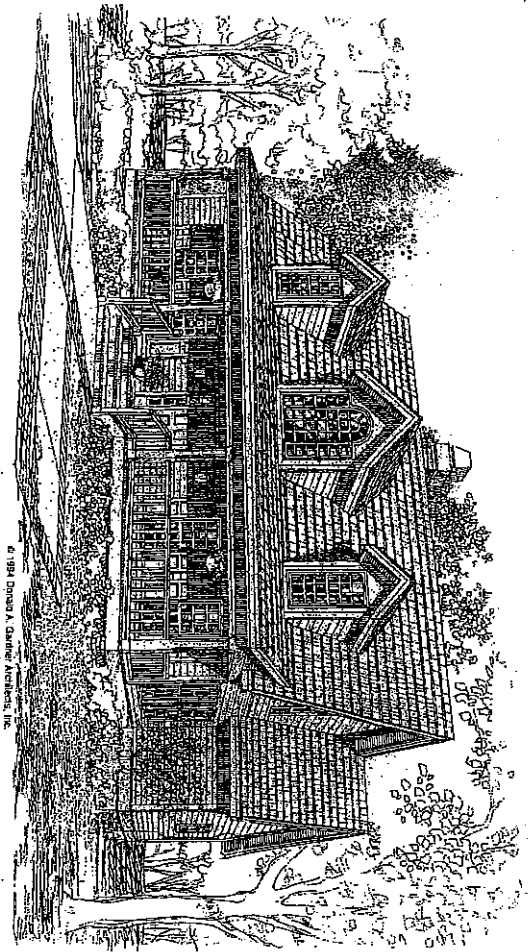


Second Floor Plans



First Floor Plans





© 1994 Dennis A. Gaudier Architects, Inc.

Proposed Residence



Owners:
 Robert and Beverly Maciel
 265 Pawtucket Blvd.
 Tyngsboro, MA 01879
 3 March 2004

THE COMMONWEALTH OF MASSACHUSETTS
Town of Tyngsborough
CITY OR TOWN

2004 00045720
Bk: 17483 Pg: 225 Page: 1 of 5
Recorded: 08/17/2004 12:22 PM

BOARD OF APPEALS

4/28/04

19

NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit

(General Law Chapter 40A, Section 18 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To Beverly & Robert Maciel
Owner or Petitioner

Address 265 Pawtucket Blvd.

City or Town Tyngsborough, MA 01879

Identify Land Affected

City Tyngsborough Board of Appeals affecting the
rights of the owner with respect to the use of premises on

265 Pawtucket Blvd. Tyngsborough Massachusetts
Street City or Town

the record title standing in the name of

Beverly & Robert Maciel

whose address is 265 Pawtucket Blvd. Tyngs MA 01879
Street City or Town State

by a deed duly recorded in the Middlesex County Registry of Deeds in Book

Page Registry District of the Land Court

Certificate No. Book 9001 Page 157

The decision of said Board is on file with the papers in Decision or Case No.

City
in the office of the Town Clerk

Certified this day of 19

Board of Appeals:

Christine Maciel Chairman
Christine Maciel Clerk
Board of Appeals

19 at o'clock and

Received and entered with the Register of Deeds in the County of

Book Page

ATTEST

Register of Deeds

Notice to be recorded by Land Owner.

I hereby certify that 20 days have
from the date this certificate was
in the office of the Town Clerk and
no appeal has been filed in this office.

A True Copy Attest:

James D. [Signature] 5-28-04
Town Clerk Date



NORSE ENVIRONMENTAL SERVICES, INC.

130 Middlesex Road, Suite 15

Tyngsboro, Mass. 01879

TEL. (978) 649-9932 • FAX (978) 649-7582

November 27, 2007

Massachusetts Highway Department
District Four Permit Engineer
MassHighway District 4
519 Appleton Street
Arlington, Ma 02476

Re: 265 Pawtucket Boulevard – Route 113
Tyngsboro, Ma 01879

Dear Mr. Michael Formichella,

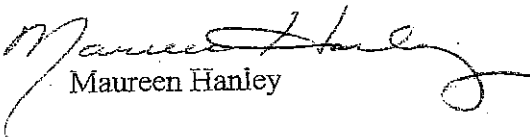
This letter is in response to MassHighway comment letter dated August 31, 2007. MassHighway reviewed the above permit application for the proposed removal of 891 s.f. of impervious surface within the right of way of Pawtucket Boulevard or Route 113 per the Tyngsboro Conservation Commission Order of Conditions DEP File No. 309-722.

The MassHighway comment letter requested additional information regarding Route 113 layout, plans, as well as analysis of the drainage system prior to issuing a permit. I called and expressed my concern regarding the potential financial burden this will be on my client and per our telephone conversation I am submitting photographs of the above site showing the location of proposed pavement removal.

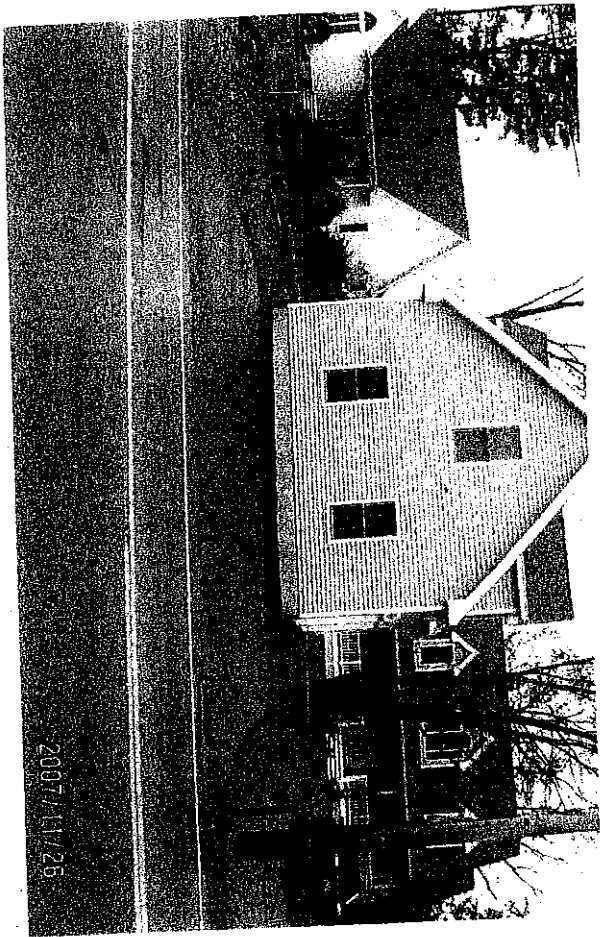
The photographs have been marked in red to indicate the approximate location of the proposed pavement removal. MassHighway right of way extends to the easterly side of the utility pole or 11 ft from the edge of the paved boulevard. The homeowner will then have approximately a 20 ft entry drive into the property.

If the enclosed photographs are insufficient to issue a permit perhaps the Department will allow a site visit. Our interest is to provide the Department with the necessary information to make a determination without a significant financial hardship on the homeowner. If you have any questions or concerns regarding the above-submitted material please do not hesitate to call.

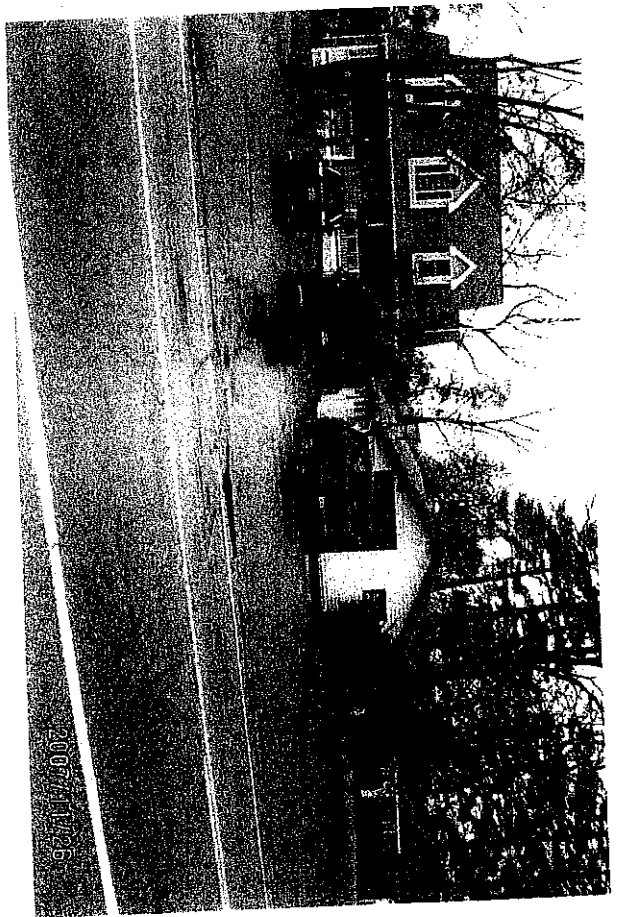
Sincerely,


Maureen Hanley

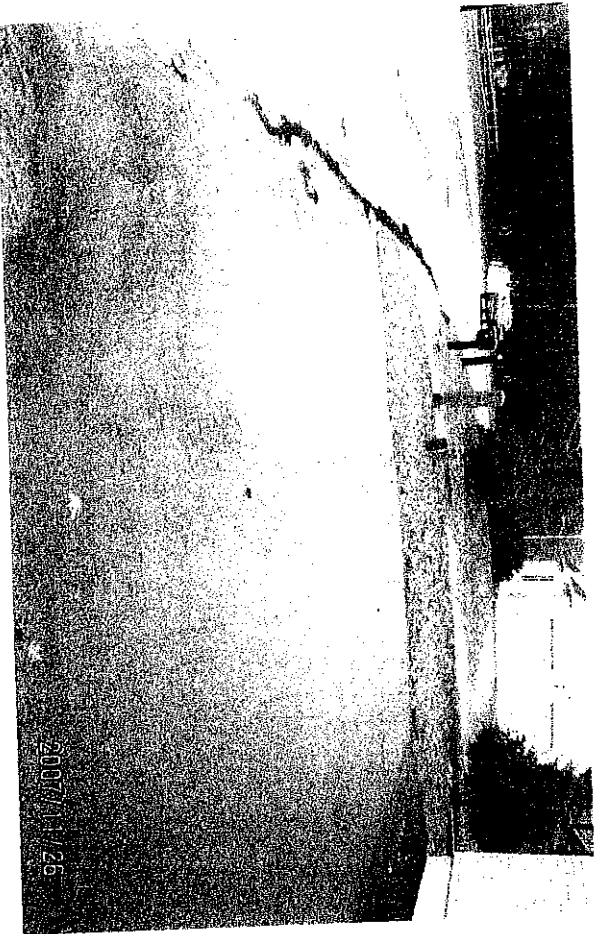
Cc: Robert Maciel
Tyngsboro Conservation Commission



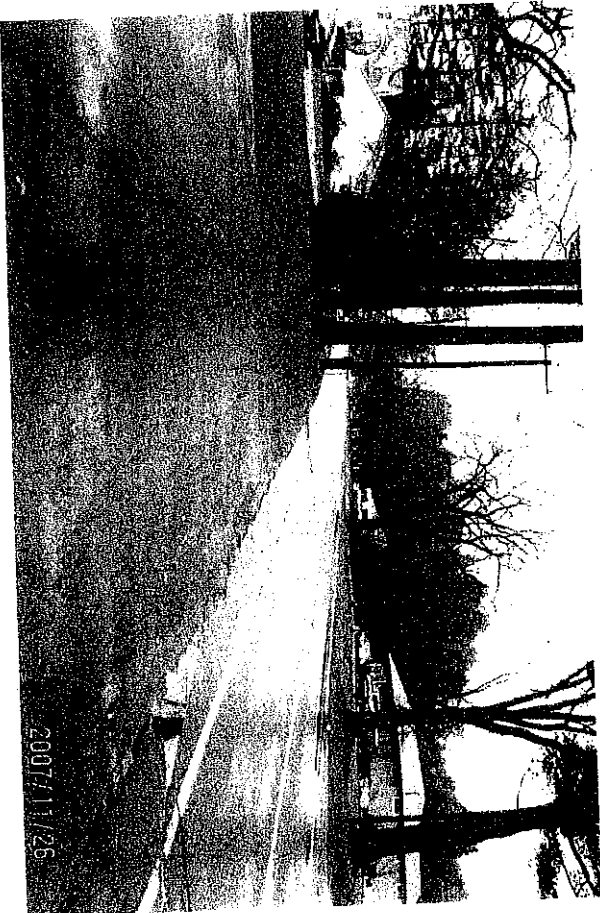
265 Pawtucket Blvd - Tynsboro
Existing Single Family House & Garage



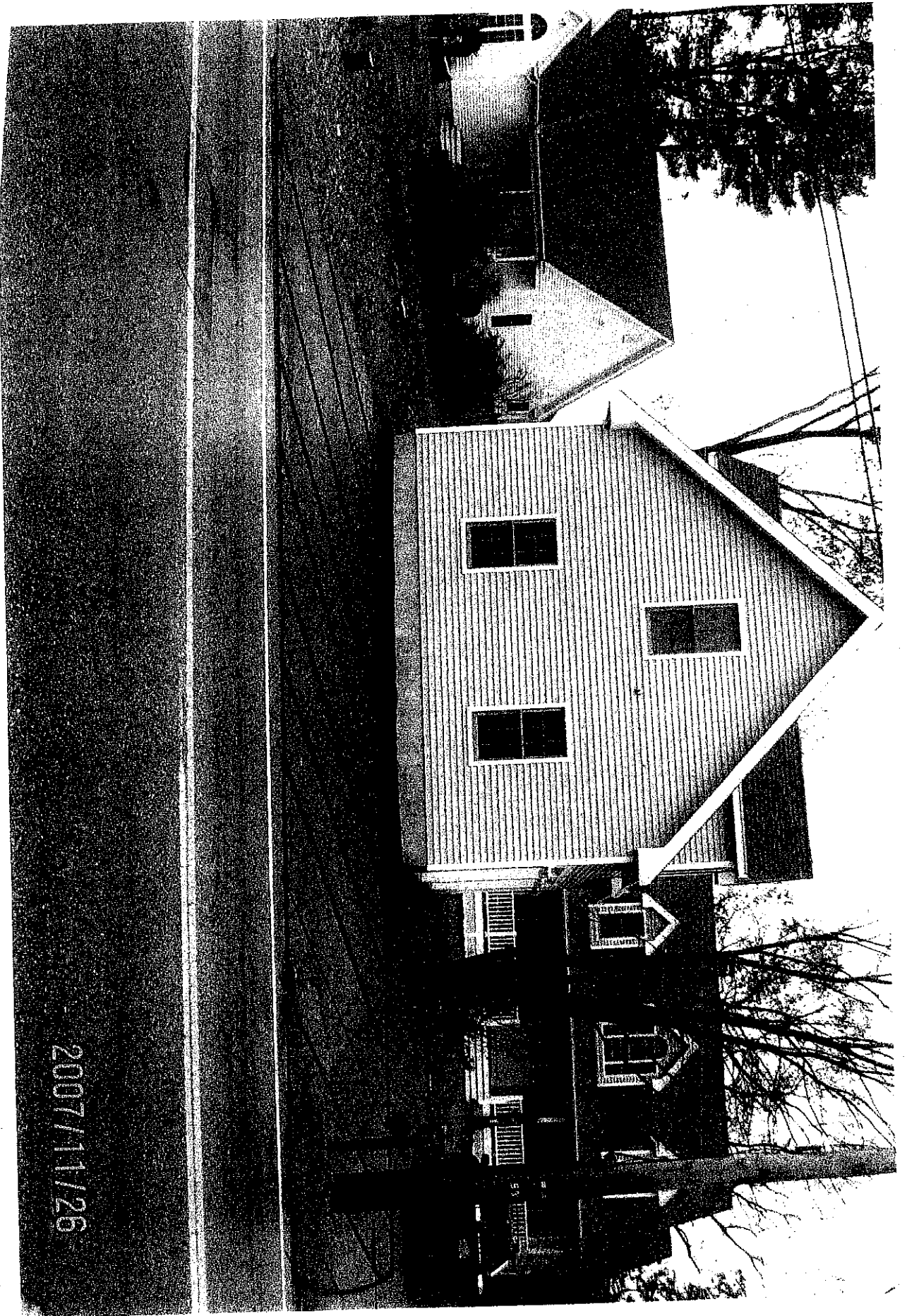
265 Pawtucket Blvd - Tynsboro
Existing Single Family House & RFW Machine Shop



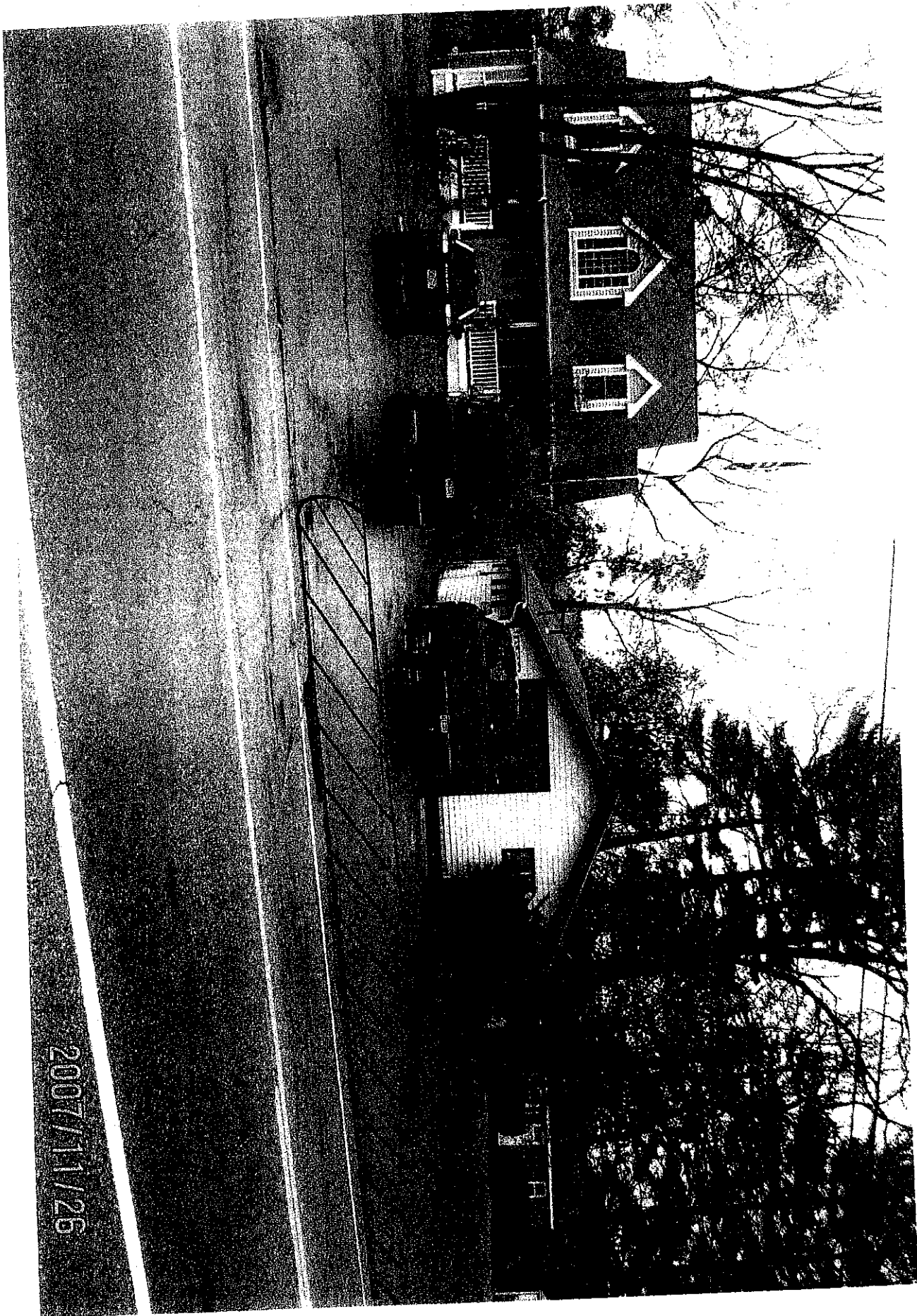
265 Pawtucket Blvd - Tynsboro
Facing South - Existing pavement to be removed



265 Pawtucket Blvd - Tynsboro
Facing North - Existing pavement to be removed



265 Pawtucket Blvd - Tyngsboro
Existing pavement to be removed



265 Pawtucket Blvd - Tyngsboro
Existing pavement to be removed



NORSE ENVIRONMENTAL SERVICES, INC.

130 Middlesex Road, Suite 15

Tyngsboro, Mass. 01879

TEL. (978) 649-9932 • FAX (978) 649-7582

February 11, 2008

Tyngsboro Conservation Commission
Town Offices
Bryant Lane
Tyngsborough, Ma. 01879

Re: DEP File #309-739
265 Partucket Blvd

Commissioners;

Attached is additional correspondence from the Mass. Highway Department regarding removal of pavement within the right of way as required in the above Order of Conditions.

This removal of pavement was intended to increase infiltration on the site as mitigation for work within the Riverfront Area. Currently, infiltration is provide through dry wells that collect roof runoff from the dwelling and garage. This is significantly more infiltration than was originally provided and does provide an improvement to the property.

After several months of correspondence with Mass Highway, it is apparent that they will not allow removal of pavement to proceed without extensive and expensive survey and engineering. In addition, the work itself will be expensive, leaving a narrow swath of lawn that will survive poorly if at all due to road salt. It is our opinion that this has become impractical, and the economic costs greatly exceed the environmental benefits.

We would like to request the Commission modify the Order as an insignificant change to eliminate the driveway infiltration.

Thank you for your consideration.

Sincerely,

Steven Eriksen



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Bernard Cohen
Secretary

Luisa Paiewonsky
Commissioner



February 5, 2008

Ms. Maureen Hanley
Norse Environmental Services, Inc.
130 Middlesex Road, Suite 15
Tyngsborough, MA 01879

Re: Tyngsborough, Route 113
265 Pawtucket Boulevard

Dear Ms. Hanley:

This is written in response to the permit application and plan submitted for the subject development.

The District Permits Section has reviewed this submission and has the following comments:

- The driveway should be designed in accordance with MassHighway's Standard Residential Driveway Detail (attached).
- Add layout lines and MassHighway's Record Baseline Stationing to the plan.

The District Projects Section has reviewed this submission and has the following comments:

- Provide a plan that details the work within the state highway. This plan will include ties to the proposed granite curb from the roadway baseline, proposed materials, radii, driveway widths, etc.
- Is there a closed drainage system on Route 113?

Once these items are addressed the District will continue with the processing of this application. Please direct any questions relative to this correspondence to Michael Formichella, District Permit Engineer, at 781.641.8451.

Sincerely,

Patricia A. Leavenworth, P.E.
District Highway Director

STM/stm



DRAWING NUMBER
M/E 107.8.1



NORSE ENVIRONMENTAL SERVICES, INC.
130 Middlesex Road, Suite 15
Tyngsboro, Mass. 01879
TEL. (978) 649-9932 • FAX (978) 649-7582

LETTER OF TRANSMITTAL

TO

RFM Machine Co
Bob Maciel
265 Pawtucket Blvd
Tyngsboro, MA 01879

DATE <u>2-11-08</u>	JOB NO
ATTENTION	
RE <u>265 Pawtucket Blvd</u>	
<u>Tyngsboro</u>	

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:

- | | | | | |
|---|---------------------------------------|--------------------------------|----------------------------------|---|
| <input type="checkbox"/> Shop drawings | <input type="checkbox"/> Prints | <input type="checkbox"/> Plans | <input type="checkbox"/> Samples | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> Copy of letter | <input type="checkbox"/> Change order | <input type="checkbox"/> _____ | | |

COPIES	DATE	NO.	DESCRIPTION
1			Letter from Norse dated 2-11-08 Re: Mass Highway Correspondence and Mass Highway letter dated 2-5-08 re: Permit Application + plan submitted for Subject development

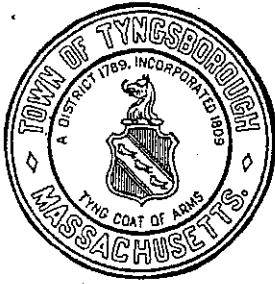
THESE ARE TRANSMITTED as checked below:

- | | | |
|--|---|---|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit _____ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> FOR BIDS DUE _____ 19 _____ | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

REMARKS _____

COPY TO _____

SIGNED: _____



Town of Tyngsborough Conservation Commission

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 x 119
Fax: (978) 649-2301

April 10, 2008

DEP File #309-0722

Applicant: Robert Maciel
265 Pawtucket Blvd.
Tyngsborough, MA 01879

Re: Certificate of Compliance for 265 Pawtucket Blvd., Tyngsborough, MA 01879

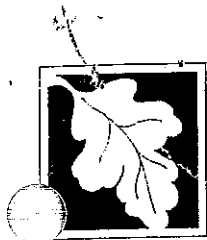
Dear Applicant,

The Tyngsborough Conservation Commission has reviewed your filing submitted under the Wetlands Protection Act (MGL C. 131 S.40) and the Town of Tyngsborough Wetlands Protection Bylaw. Additional information gathered at the public hearing and any site visits was also considered. The Commission voted to issue the attached Certificate.

Please read the attached conditions carefully. Page 4 of WPA Form 8B contains instructions for filing this Certificate of Compliance at the Registry of Deeds. This form must be filed and a copy of the filing certificate must be returned to the Tyngsborough Conservation Commission. Should you have any questions, do not hesitate to contact the office.

Respectfully for the Conservation Commission,

Karen Steeves
Conservation Clerk



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

309-0722

Provided by DEP

A. Project Information



2008 00018160
Bk: 22116 Pg: 110 Page: 1 of 4
Recorded: 04/22/2008 11:16 AM

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



1. This Certificate of Compliance is issued to:

Robert Maciel

Name

265 Pawtucket Blvd.

Mailing Address

Tyngsborough

City/Town

MA

State

01879

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

Robert Maciel

Name

Extension dated 9/11/07

Dated

309-0722

DEP File Number

3. The project site is located at:

265 Pawtucket Blvd

Street Address

Map 34

Assessors Map/Plat Number

Tyngsborough

City/Town

Parcel 18 Lot 0

Parcel/Lot Number

the final Order of Condition was recorded at the Registry of Deeds for:

Property Owner (if different)

Middlesex North

County

21642

Book

166

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

March 8, 2008

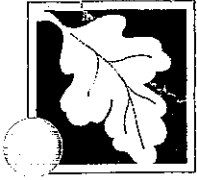
Date

B. Certification

Check all that apply:

☐ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

309-0722

Provided by DEP

B. Certification (cont.)

☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

☒ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

Allow the 891 s.f. area of MassHighway impervious surface to remain in tact. It is agreed under the Riverfront Act to mitigation and donate \$200 to National Heritage endangered species.

C. Authorization

Issued by:

Tyngsborough
Conservation Commission

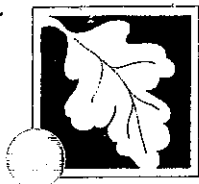
April 8, 2008
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <http://www.mass.gov/dep/about/region/findyour.htm>).

Signatures:

[Signature]
Robert W. Sheehan
[Signature]

[Signature]
William T. Long
Lucille M. Arky



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

309-0722

Provided by DEP

C. Authorization (cont.)

Notary Acknowledgement

Commonwealth of Massachusetts County of Middlesex North
On this 8th Day Of April Month 2008 Year

before me, the undersigned Notary Public, personally appeared

Ed Smith
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

personally known
Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

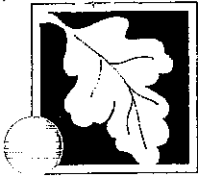
As member of Tyngsborough City/Town Conservation Commission

Joanne Shifras
Signature of Notary Public
Joanne Shifras
Printed Name of Notary Public

April 6 2009
My Commission Expires (Date)

Place notary seal and/or any stamp above

Signature of Notary Public



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

309-0722

Provided by DEP

D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Tyngsborough
Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

265 Pawtucket Blvd
Project Location

309-0722
DEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex North
County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

Date

Book

Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant

November 12, 2008

Town of Tyngsborough
Building Department
25 Bryants Lane
Tyngsborough, Ma 01879

Re: 265 Pawtucket Blvd
Tyngsboro, Ma
Board of Appeals Variance

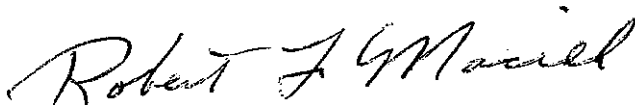
Mr. Mark Dupell,

I received your letter dated November 3, 2008 regarding my Board of Appeals Variance Violation. The approved plan shows (2) locations of pavement to be removed from the site and converted into lawn area. Approximately 891 s.f. of pavement to be removed is shown within the Massachusetts Highway Department right of way. After speaking with you it is my understanding that I do not have to remove this area of impervious area due to the extensive and expensive survey and engineering costs.

The second area of pavement to be removed is located between the garage and Massachusetts Highway Department right of way. I am requesting the Board of Appeals to allow me to perform this work in the spring of 2009 or at the beginning of the growing seasons approximately April 15, 2008. Unfortunately due to the time of year and the end of the growing season I will be unable to grow any lawn area once the pavement is removed.

In addition I would also like to discuss with you the possibility to modify the variance to exclude this work. If you have any questions or concerns regarding the above information please do not hesitate to call.

Sincerely,



Robert F. Maciel

Cc: Board of Selectmen
Town Administrator – Rosemary Cashman

COVER SHEET

ABUTTERS LIST AS PER CH 40A, SEC 11 "PARTIES OF INTEREST"

TOWN BOARD: CONSERVATION

LOCATION: 263 PAWTUCKET BLVD MAP 34-19-0

OWNER: ROBERT F MACIEL JR

REQUESTED BY: ATTY PETER NICOSIA

PREPARED BY: Jennifer Wilson, Assessors Assistant 

DATE: July 9, 2010

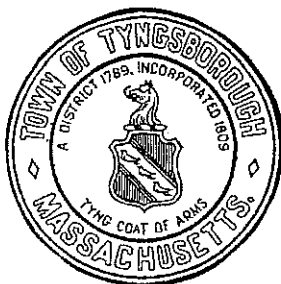
Town of Tyngsborough

Abutters List

10:59:10AM

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
34 10 0	262 PAWTUCKET BV	LEARY MARTIN L	EILEEN E	262 PAWTUCKET BV	TYNGSBOROUGH MA		01879
34 16 0	273 PAWTUCKET BV	SOUCY JEAN R	SOUCY ALICE	273 PAWTUCKET BV	TYNGSBOROUGH MA		01879
34 17 0	267 PAWTUCKET BV	HARVEY WILLIAM F		267 PAWTUCKET BV	TYNGSBOROUGH MA		01879
34 18 0	265 PAWTUCKET BV	MACIEL ROBERT F &	BEVERLY	P O BOX 304	TYNGSBOROUGH MA		01879-0304
34 19 0	263 PAWTUCKET BV	MACIEL ROBERT F JR &	AMY JANE	263 PAWTUCKET BV	TYNGSBOROUGH MA		01879
34 20 0	259 261 PAWTUCKET BV	KASTANAS STANLEY T	KAFASIS NAOMI	261 PAWTUCKET BLVD	TYNGSBOROUGH MA		01879
34 21 0	255 257 PAWTUCKET BV	KASTANAS STANLEY T	KAFASIS NAOMI	261 PAWTUCKET BLVD	TYNGSBOROUGH MA		01879
34 9 0	260 PAWTUCKET BV	TURCOTTE LYNDIA		260 PAWTUCKET BV	TYNGSBOROUGH MA		01879

End of Report



Town of Tyngsborough
Board of Appeals

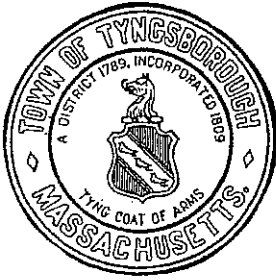
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 112

INSTRUCTIONS FOR APPLICATION

1. Submit a **Certified Plot Plan** showing total square foot area, frontage, side yard and rear yard dimensions. All dwellings and existing structures must be shown on this plan. **Further, the proposed addition or dwelling, or structure must be clearly labeled on this Certified Plot Plan.**
A mortgage plan is **not** acceptable substitute for a Certified Plot Plan.
2. A **Certified List of Abutters** must accompany the application when filed. **This list is available from the Assessors Office. \$15.00 fee for the list.**
3. The applicant must submit a copy of "Plan of Land" showing how the lot or lots were originally created. This plan will show how the boundaries of the lots were set and their total area square footage.
4. The applicant or petitioner is **required** to present a copy of deed recorded at the Registry or Land court confirming that the name of the owner on the petition is exactly the same as it appear on the deed.
5. The Board of Appeals members highly recommend the applicant or petitioner to purchase the Tyngsborough Zoning By-Laws book. Books available at the Inspectional Dept. They are also available on web site:
www.Tyngsboroughma.gov.
6. The applicant shall submit twelve (12) copies of the complete application along with a check for \$ 200.00 payable to Town of Tyngsborough to the Zoning Board of Appeals Secretary. In addition (1) copy of the complete application must be filed simultaneously with the Town Clerk.
7. Hearings are held on the 2nd Thursday of the month for applications received by the 15th of the previous month. If the 15th day of the month falls on the weekend or holiday, the applicant has until 12:00 Noon on the next business day to file the application.

Failure of the applicant to complete the steps above will result in the application being rejected by the Zoning Board of Appeals and returned to the applicant. The rejected application form will detail the reason for the Denial with a copy filed with the Town Clerk.

Tyngsborough Board of Appeals



Case No: _____

Robert Lord
15 Davis St.
Case: 10-08-02
5 August 2010

Decision: _____

Do not write in this space

**TOWN OF TYNGSBOROUGH
APPLICATION TO THE BOARD OF APPEALS**

Applicant: Robert Lord

Mailing Address: 15 Davis Street, Tyngsboro MA 01879

1. Application is hereby made: (Check one or more and fill in appropriate blank spaces.)
- ☒ (a) For a Variance from the requirements of Section ____ Para. ____ of the Zoning By-Law. 2, 12, 50
 - ☐ (b) For a Special Permit under Section ____ Para. ____ of the Zoning By-Law
 - ☐ (c) As a party aggrieved, for review of a decision made by the Building Commissioner or other authorities.

Set forth other authorities:

2. Square footage variance of 7250 sq feet bought for lot 2 in order to obtain buildable lot subject to future planning board approval of proposed lot line redraw subdivision plan.

- ☐ (a) Premises affected is vacant land and buildings numbered _____
- ☒ (b) Premises affected is vacant land with frontage on Davis and Beech Street(s).

Describe how to locate: 15 Davis Street

3. (a) Premises affected in Zoning District R2

The premises has an area of 12,750 square feet

Frontage of 75 feet. Side yard setback of 21 feet and
on Beech street and
50 feet on Davis street

27. Front yard setback of 81.2 feet. on Davis St. and 112.14 on Beech
(b) Stone bounds (are) (are not) existing on premises.

(c) Assessors Map 26A, Lot 167.

4. Ownership:

Name and Address of owner (if joint ownership, give all names):

Robert R. Lord
15 Davis Street
Tyngsboro, Ma 01879

5. (a) Size of (proposed) ~~existing~~ structure: _____ feet.

Front: _____ feet. 25 X 32 single family home

Height: _____ feet. Stories _____

Total floor area _____ square feet.

(b) Approximate date of erection, if known: _____

(c) Present occupancy of use: (of each floor or section) _____

Vacant Land

6. Description of proposed work and use: Lot line re-draw to create
buildable lot for single family dwelling

7. Has applicant made a previous appeal involving these premises to this Board: _____

If "yes" give the date of the appeal: September, 1993

8. Deed recorded with the Middlesex North District Registry of Deeds

Book 7688, Page 205

Land Court Department of said Registry of Deeds (Registered Land):

Certificate No. _____, Book _____, Page _____

Attach copy of Deed or Certificate

9. The reasons for the change that I request are as follows: (Use additional page(s), if necessary.) *Incorrect lot line redraw in 1993 and hardship.*

Names and address of parties in interest as defined in M.G.L. c 40A, § 11.

Use additional pages(s), if necessary.)

Abutters:

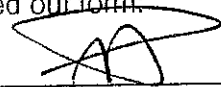
see attached abutter's list

Other parties in interest:

None

I represent that the information submitted by the undersigned is true to the best of my knowledge.

Date: 7/12/10 Signature of person who filled out form:



Peter Nicosia, Esquire

(Type or print name, address and phone)

PO Box 721

Tyngsboro, Ma 01879

978-649-4300

Date: 7/12/10

Signature of Applicant: Robert R. Lord

Robert Lord

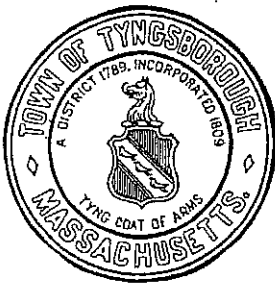
(Type or print name, address and phone)

15 Davis Street

Tyngsboro, Ma 01879

If the applicant is not the owner of the premises, please submit documentation that the owner authorizes this application.

*Memorandum to be submitted by attorney Nicosia in
advance or at the meeting.*



Town of Tyngsborough
Board of Appeals
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 112

Instructions

1. Applications must be typed or printed. Draw a line through blanks spaces that do not apply.
2. File 12 copies completely filled out. Applications submitted with incomplete information may be grounds for disapproval.
3. A copy of the decision, if any, by the Building Commissioner or other authority, together with 12 plot plans of the affected premises must be filed.
4. A fee of \$200.00 must accompany this application. Make check payable to the Town of Tyngsborough.
5. The applicant is required to Certified Mail the Legal Notice to the abutters and submits the white receipts to the secretary once mailed; and then submit the green cards to the secretary prior to the meeting for review and filing.

**"LOT LINES RELOCATION"
PLAN OF LAND
IN
TYNGSBORO, MA.**

1. PURPOSE OF PLAN:

CHANGE OF EXISTING LOT LINES, TO CREATE
THREE SEPARATE LOTS.

2. DEED REFERENCE:

PRISCILLA LORD
15 DAVIS STREET
TYNGSBORO, MA.
BOOK 1526 PAGE 143 & 144

ALFRED J. & ANNE M. LEBLANC
16 BEECH ST.
TYNGSBORO, MA.
BOOK 6356 PAGE 63

3. PLAN REFERENCE:

UNOFFICIAL PLAN OF SHERBURNVILLE
TYNGSBORO, MA.
MADE BY CHARLES SHERBURNE, 1895
DATED DEC. 1948, BY MARTIN G. FERRY, C.E.
(NO RECORD)

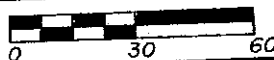
OWNER OF RECORD
PRISCILLA LORD

FORMED WITH THE RULES AND
OF THE REGISTERS OF DEEDS
THE LAND

DATE: JUNE 17, 1993

PREPARED FOR: PRISCILLA LORD
15 DAVIS ST.
TYNGSBORO, MA. 01879

SCALE: 1" = 30'



STEVEN J. PATRICK
LICENSED LAND SURVEYOR

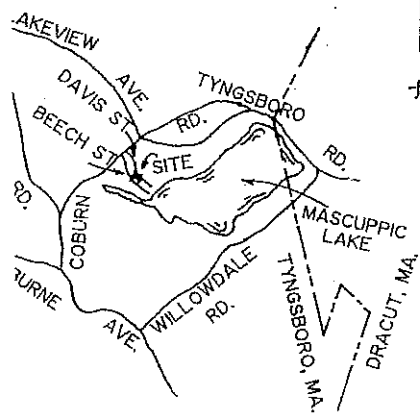
178 HILDRETH ST.
LOWELL, MA. 01850
(508) 454-3874

4 SHERBURNE RD.
HUDSON, N.H. 03051
(603) 635-2799

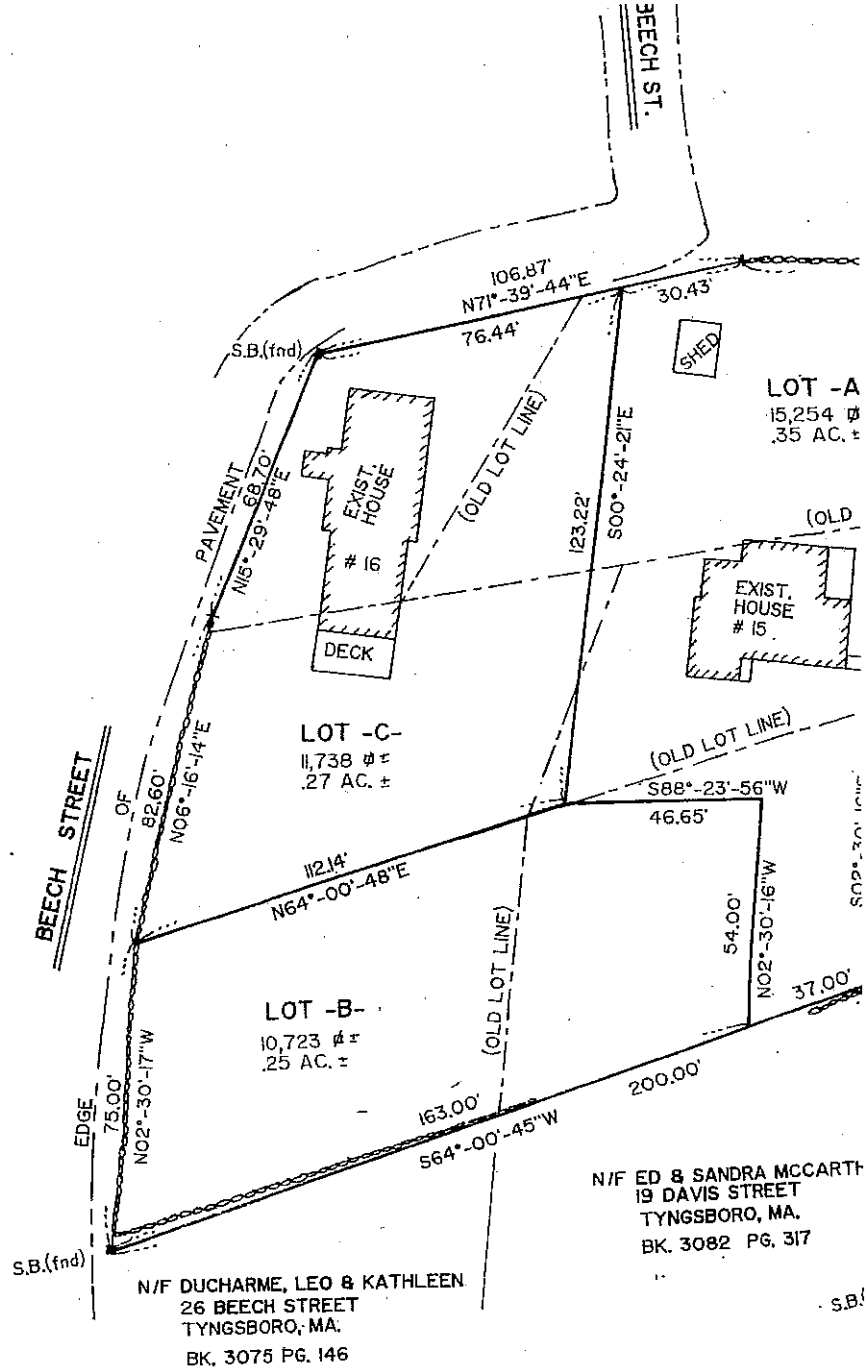


ATTEST: P.L.S. #33188

R REGISTRY USE ONLY



VICINITY MAP
SCALE: 1" = 4000'



TYNGSBORO PLANNING BOARD
APPROVAL

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED.

BEECH STREET

N02°30'17"W
75.00'

AP 26A
LOT 169

S64°00'45"W
200.00'

N64°00'48"E
112.14'

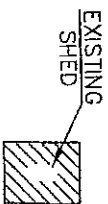
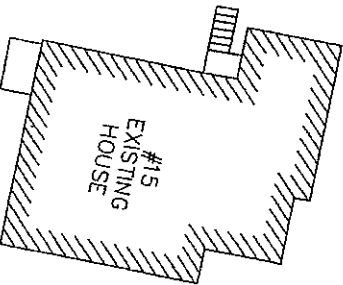
LOT 2
12,750± S.F.

MAP 26A
LOT 164

S80°24'48"W
81.20'

N00°24'21"W
123.22'

MAP 26A
LOT 167



LOT 1
13,227± S.F.

N71°39'44"E
30.43'

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED
TYNGSBORO
PLANNING BOARD



2. SUBJECT PROPERTY IS SHOWN ON THE PLAN WAS
TYNGSBORO ASSESSOR'S MAP #26A.

3. THE PERIMETER BOUNDARY SHOWN ON THIS PLAN WAS
DETERMINED FROM A FIELD SURVEY BY THIS OFFICE, AND PLANS
OF RECORD (SEE PLAN REFERENCES).

4. SUBJECT PROPERTY IS LOCATED IN ZONE R2
(RESIDENCE 2)

MINIMUM LOT AREA 20,000 SF*
MINIMUM FRONTAGE 75 FT
MINIMUM FRONT YARD 30 FT x
MINIMUM SIDE YARD 20 FT
MINIMUM REAR YARD 20 FT

5. OWNER OF RECORD:
ROBERT R. LORD
15 DAVIS STREET
TYNGSBORO, MA 01879

* VARIANCE REQUIRED
x EXISTING NONCONFORMING

DEED REFERENCE:
MIDDLESEX NORTH REGISTRY OF DEEDS
BK. 7688 PG. 205

PLAN REFERENCE:
MIDDLESEX NORTH REGISTRY OF DEEDS

1. PLAN BK. 189 PL. 101
2. UNOFFICIAL PLAN OF SHERBURNVILLE
TYNGSBORO, MA
ORIGINAL MADE BY CHARLES SHERBURNE, 1895
DATED DEC. 1948, BY MARTIN G. FERRY, C.E.
(NOT RECORDED)

PLAN OF LAND
IN
TYNGSBORO, MASSACHUSETTS
#15 DAVIS STREET

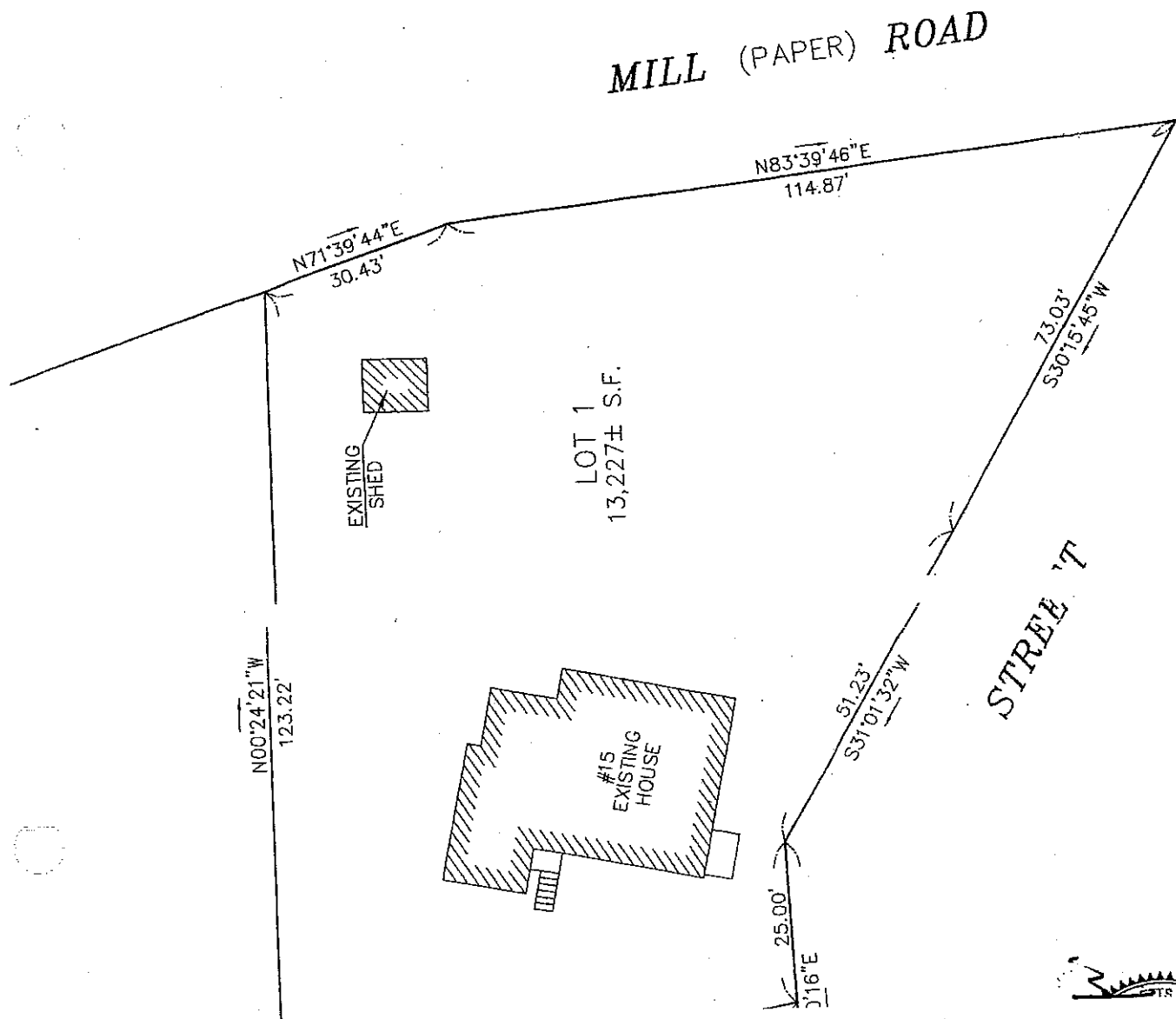
SCALE: 1"=20'
JOB NO. 221-01

DATE: APRIL 2, 2010

SHEET 1 OF

PREPARED FOR/OWNER
ROBERT R. LORD
TYNGSBORO, MASSACHUSETTS

PREPARED BY
Land Engineering & Environmental Services,
Tyngsboro, MA 01870



GRAPHIC SCALE

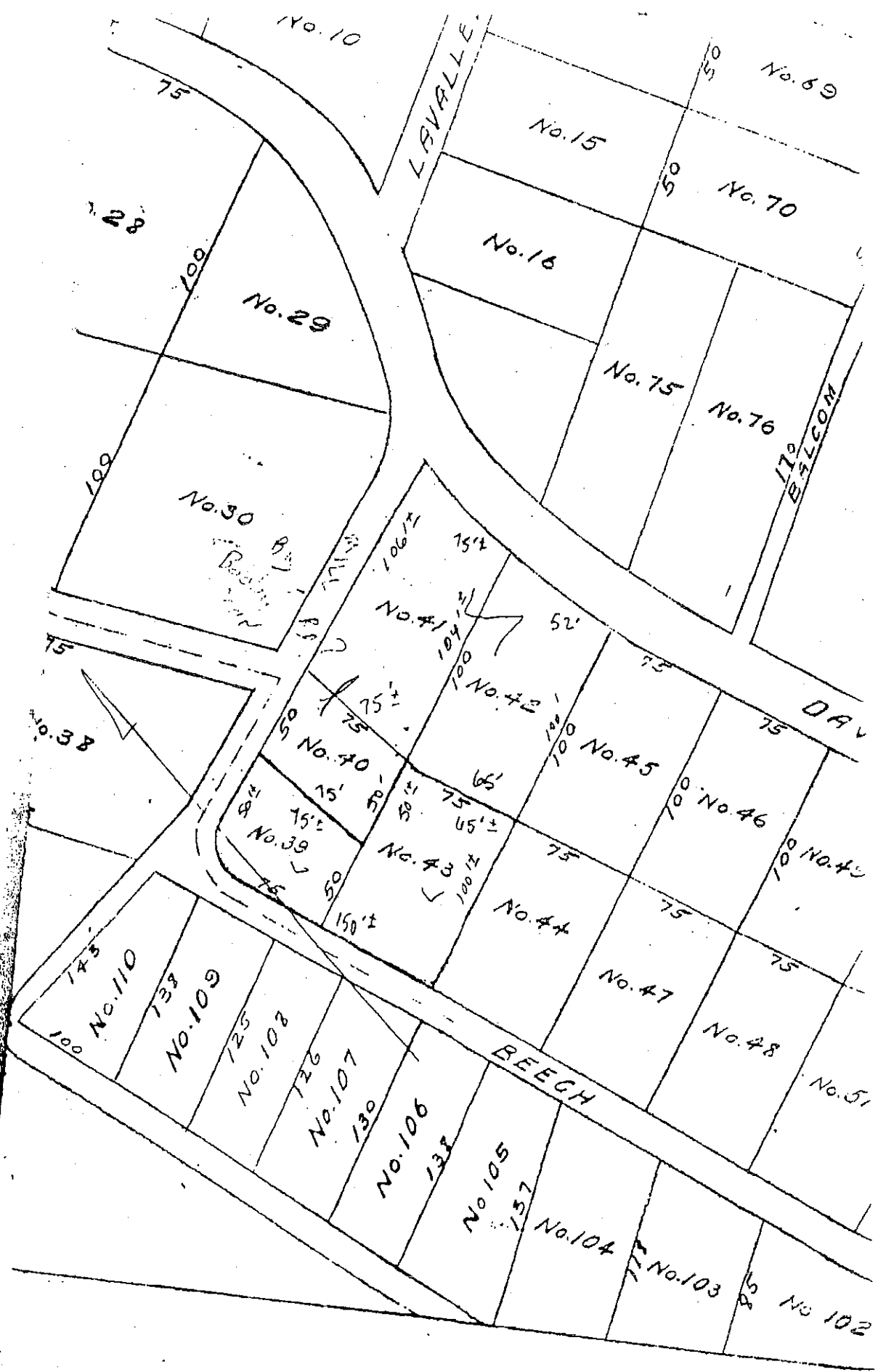


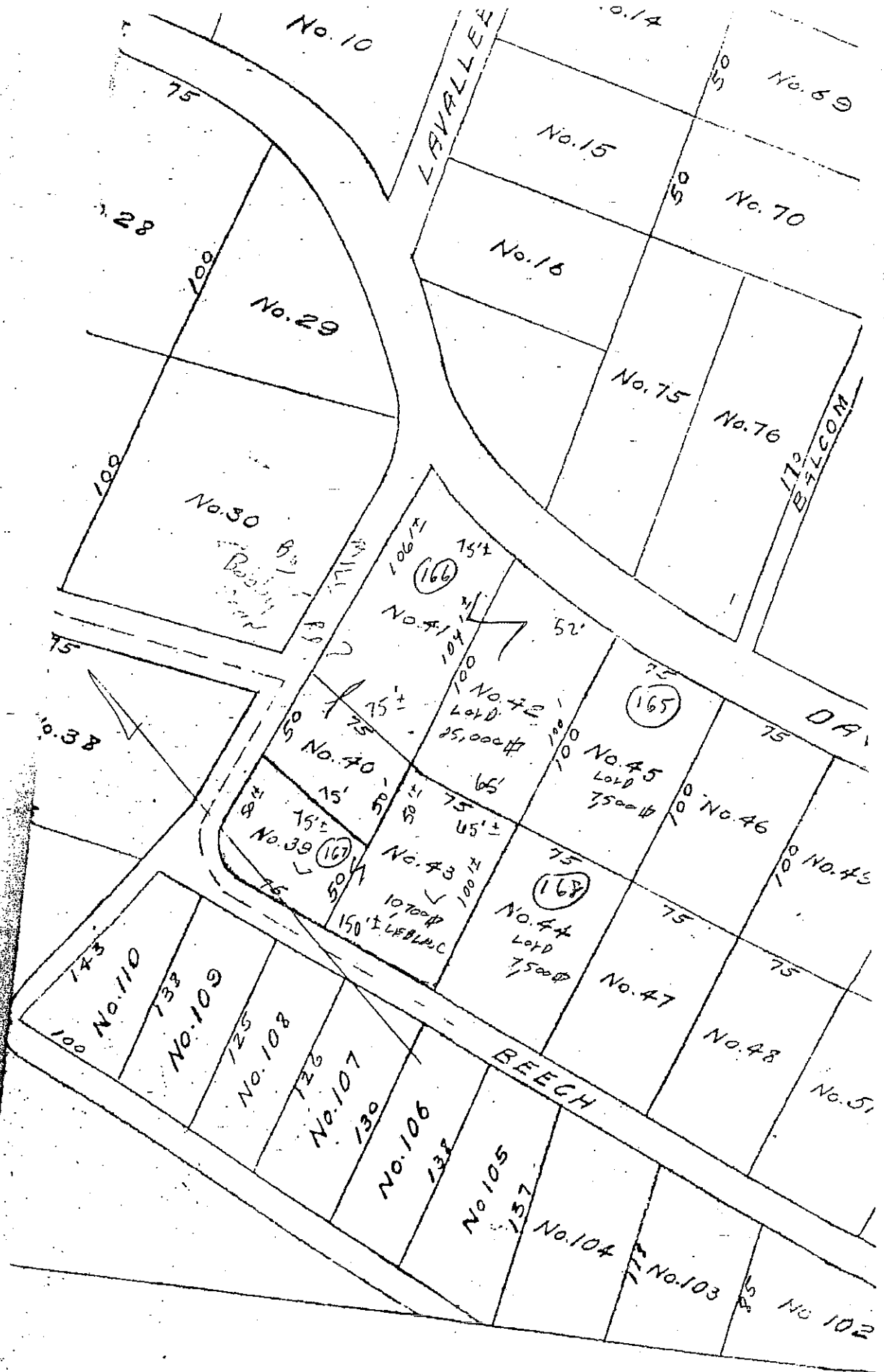
99

100

ST

COPY OF SKETCH ENTITLED			
UNOFFICIAL PLAN OF SHERBURNVILLE			
TYNGSBOROUGH-MASS.			
ORIGINAL MADE BY		ABOUT	
CHARLES SHERBURNE		1895	
DATE		SCAL	
DEC. 1948		N C N	
DRAWN BY	CHK. BY	REGISTERED	
M.G.F.	✓	PROFESSIONAL ENGINEER	
		NASHUA, N. H.	
		DWG. NO.	7





B 0 7 6 8 8 P 2 0 5

QUITCLAIM DEED

ALFRED J. and ANNE M. LEBLANC, husband and wife, both of 16 Beech Street, Tyngsborough, Middlesex County, Massachusetts, in consideration of One (\$1.00) Dollar grants to ROBERT R. LORD of 15 Davis Street, Tyngsborough, Middlesex County, Massachusetts

with QUITCLAIM COVENANTS

All right, title and interest in the land, with buildings thereon, being described as Lot E on a plan of land entitled "Lot Line Relocation" Plan of Land in Tyngsborough, MA.; Prepared for Priscilla Lord; Date June 17, 1993; prepared by: Steven J. Patrick, Licensed Land Surveyor" said Plan being recorded with Middlesex North District Registry of Deeds in Plan Book ~~6353~~, Plan ~~101~~.

Meaning and intending to convey a portion of the premises conveyed to the within grantors by deed of Robert R. Lord, dated February 26, 1993, and recorded in said Registry of Deeds in Book 6353, Page 63.

WITNESS our hands and seals on this 6th day of October, 1995.

Alfred J. LeBlanc
ALFRED J. LEBLANC

Anne M. LeBlanc
ANNE M. LEBLANC

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

10-6, 1995

Then personally appeared the above-named Alfred J. LeBlanc and Anne M. LeBlanc who acknowledged the foregoing instrument to be their free act and deed, before me

Michael J. Fidd
MICHAEL J. FIDDE Notary Public
My Commission expires: 10-13-2000

18/06/95 PLAN BOOK: 189 PAGE: 101

18/06/95 03:35:55 44911 25.32 12

Lot E, Davis St.
Tyngsborough, MA
Lords

TOWN OF TYNGSBOROUGH - ZONING BY-LAW

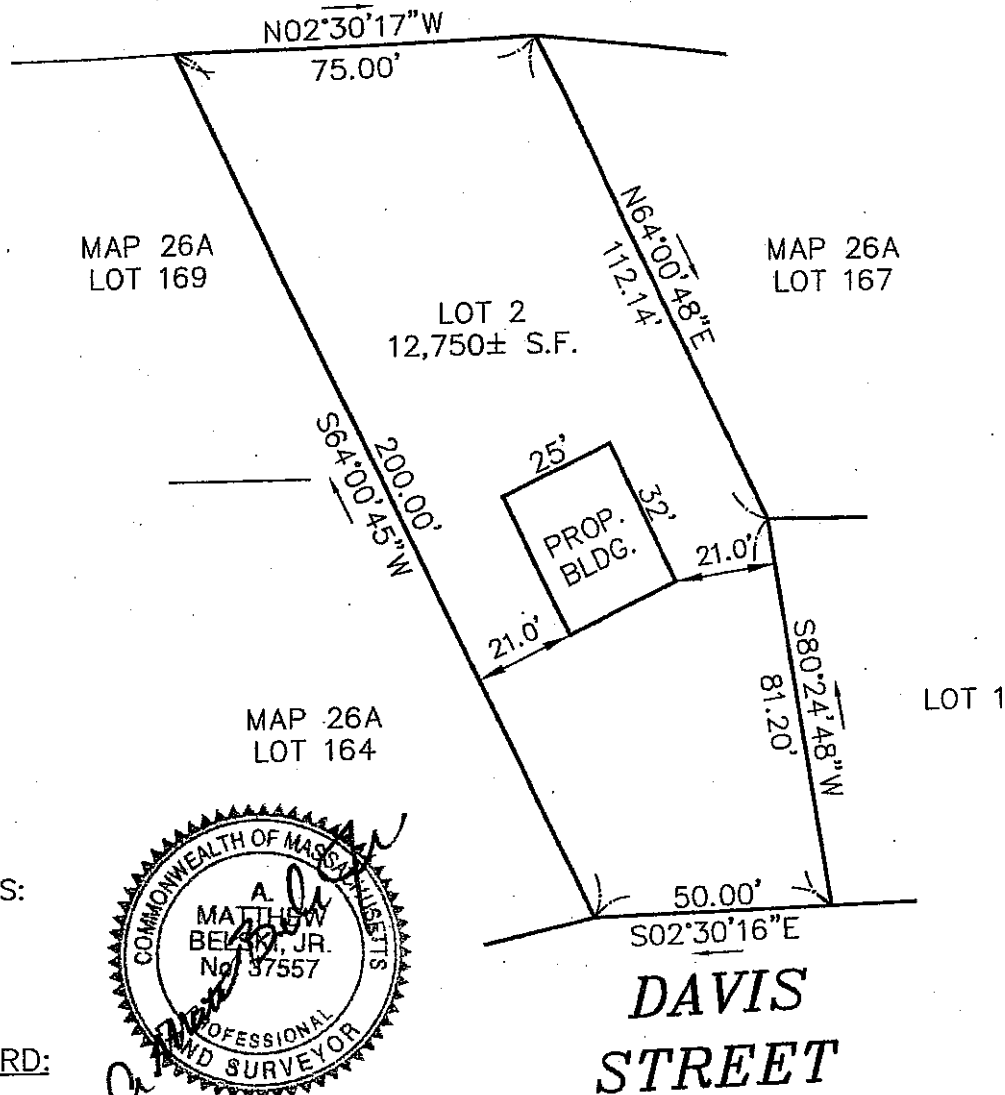
2.12.50 Table of Standard Dimensional Requirements

Dimension	Zoning District									
	R1	R2	^{1/} R3	B1	B2	B3	B4	I1	I2	
Minimum Lot Area (Square Feet) X 1,000	65	20	20	20	20	80	80	80	120	
Minimum Lot Frontage (Lin. Feet)	200	75	75	100	50	150	150	200	225	
Minimum Lot Width (Lin. Feet)	50	50	50	50	50	50	50	100	100	
Minimum Front Yard (Lin. Feet)	30	30	30	30	30	75	75	100	100	
Minimum Side Yard ^{2/} (Lin. Feet)	30	20	15	15	15	30	30	40	40	
Minimum Rear Yard ^{2/} (Lin. Feet)	30	20	15	15	15	40	40	40	40	
Minimum Open Space (Percent of Total Lot Area)	^{3/}	N/A	N/A	N/A	N/A	25	25	25	25	
Maximum Building Height (Lin. Feet)	^{4/} 36	^{4/} 36	^{4/} 36	^{4/} 36	^{4/} 36	^{5/} 40	^{5/} 40	^{6/} 45	^{6/} 45	

- ^{1/} Multi-family development must comply with Section 4.12.00 of this By-law. Single family homes in the R-3 district shall require 44,000 square feet of area and 200 feet frontage, and duplexes in the R-3 district shall require 88,000 square feet of area and 400 feet of frontage.
- ^{2/} See Section 3.13.00 Buffering Screening and Grading.
- ^{3/} See Section 4.14.00 Open Space Residential Development
- ^{4/} Not to exceed 2 1/2 stories
- ^{5/} Not to exceed 3 stories
- ^{6/} Not to exceed 3 1/2 stories

[eflp-yga.ear]

BEECH STREET



ZONING: R2

MINIMUM SETBACKS:

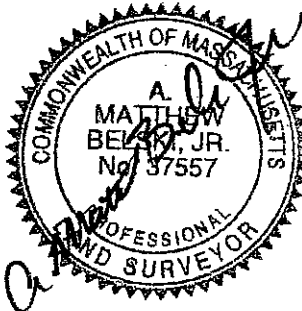
FRONT - 30'

SIDE - 20'

REAR - 20'

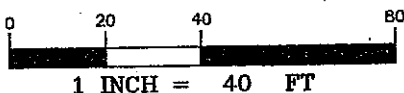
OWNER OF RECORD:

ROBERT R. LORD
15 DAVIS STREET
TYNGSBORO, MA 01879



I CERTIFY THAT THE SITE IS OUTSIDE OF THE 500
YEAR FLOOD HAZARD AREA AS SHOWN ON FEMA
FLOOD INSURANCE RATE MAP COMMUNITY PANEL
NUMBER 250220 0004 B, DATED SEPTEMBER 2, 1982.

GRAPHIC SCALE



A. Matthew Belski, Jr.
A. MATTHEW BELSKI, JR. P.L.S. #37557

4/12/10
DATE

PROPOSED PLOT PLAN

DAVIS STREET
TYNGSBORO, MASSACHUSETTS
MAP 26A - LOT 166
SCALE 1=40' JOB # 22101 APRIL 2, 2010

PREPARED FOR
ROBERT R. LORD

PREPARED BY
Land Engineering & Environmental Services, Inc.
130 Middlesex Road, Tyngsboro, Massachusetts 01879
Telephone (978) 649-4642

COVER SHEET

ABUTTERS LIST AS PER CH 40A, SEC 11 "PARTIES OF INTEREST"

TOWN BOARD: CONSERVATION

LOCATION: 15 DAVIS STREET MAP 26A-166-0

OWNER: ROBERT LORD

REQUESTED BY: ATTY PETER NICOSIA

PREPARED BY: Jennifer Wilson, Assessors Assistant 

DATE: July 12, 2010

Town of Tyngsborough

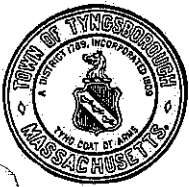
07/12/2010

9:37:22AM

Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
26A 136 0	14 DAVIS ST	BIJEOL HARVE		16 DAVIS ST	TYNGSBOROUGH MA		01879
26A 138 0	16 DAVIS ST	BIJEOL HARVE		16 DAVIS ST	TYNGSBOROUGH MA		01879
26A 163 0	21 DAVIS ST	LOWELL JAMES R JR		21 DAVIS ST	TYNGSBOROUGH MA		01879
26A 164 0	19 DAVIS ST	PARE EDWARD P		16 MONTGOMERY AVENUE	NASHUA NH		03060
26A 166 0	15 DAVIS ST	LORD ROBERT R	MCDONOUGH KRISTEN	15 DAVIS ST	TYNGSBOROUGH MA		01879
26A 167 0	16 BEECH ST	LEBLANC ALRED J		16 BEECH ST	TYNGSBOROUGH MA		01879
26A 169 0	26 BEECH ST	DUCHARME LEO E	KATHLEEN A	26 BEECH ST	TYNGSBOROUGH MA		01879
26A 170 0	28 BEECH ST	MCGEE WILLIAM GERARD +	KAREN	28 BEECH ST	TYNGSBOROUGH MA		01879
26A 174 0	31 BEECH ST	DEAN CHARLES N	JEAN E	31 BEECH ST	TYNGSBOROUGH MA		01879
26A 175 0	27 BEECH ST	HU SLUIE		27 BEECH ST	TYNGSBOROUGH MA		01879
26A 176 0	BEECH ST	TOWN OF TYNGSBOROUGH	TAX POSSESSION	25 BRYANTS LN	TYNGSBOROUGH MA		01879-0289
26A 177 0	23 BEECH ST	BROADLEY DEBORA S		23 BEECH ST	TYNGSBOROUGH MA		01879
26A 178 0	21 BEECH ST	KULISICH PETER C	KULISICH PETER D	21 BEECH ST	TYNGSBOROUGH MA		01879
26A 179 0	19 BEECH ST	MCAHON RITA F		19 BEECH ST	TYNGSBOROUGH MA		01879
26A 180 1	15 BEECH ST	WHITTIER FREDERICK A &	HEATHER J	15 BEECH ST	TYNGSBOROUGH MA		01879
26A 181 0	7 DAVIS ST	FLANDERS ELMER P & MARIE J		7 DAVIS ST	TYNGSBOROUGH MA		01879
26A 181A 0	8 BEECH ST	GUERRIERO JOSEPH E	KATHLEEN	8 BEECH ST	TYNGSBOROUGH MA		01879
26A 181B 0	9 DAVIS ST	FLANDERS ELMER P		7 DAVIS ST	TYNGSBOROUGH MA		01879

End of Report



William F. Mulligan
Chief of Police

Town of Tyngsborough

Police Department

20 Westford Road

Tyngsborough, Massachusetts 01879-0549



TEL: (978) 649 - 7504

FAX: (978) 649 - 2324

To: Michael Gilleberto Town Administrator/ Board of Selectmen
From: Chief William F. Mulligan *WFM*
Re: Fleu De lis Club
Date: August 5, 2010

On August 1 2010 Officer from the Tyngsborough Police Department were dispatched to the Fleu De lis Club at 39 Elm Street for an injured person call.

Upon arrival officer's located a female lying on the ground outside the entrance door to the club. The officer's determined the injured female was in their opinion highly intoxicated.

I have attached a copy of the officer's reports for your information.

I have also sent a copy of this report to Chief Kevin Richardson of the Dracut Police Department. The liquor license for the Fleu De lis Club is held in that community.

If you should have any questions or concerns please let me know.

2010 AUG - 5 PM 3:10
TYNGSBOROUGH, MA



Incident Report

08/05/2010

Incident #: 10-650-OF

Call #: 10-14521

Time Reported: 08/01/2010 1656
Report Date/Time: 08/01/2010 1808
Occurred On: 08/01/2010 1656
Status: No Crime Involved
Reporting Officer: Patr01 Kenneth Healey
Assisting Officer: Sergeant Christopher Chronopoulos
Approving Officer: Sergeant Christopher Chronopoulos

Signature: _____

Signature: _____

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
1	FISHER, ERNEST ANDRE 21 W PRESCOTT ST WESTFORD MA 01886	M	W	43	NOT AVAIL	

Military Active Duty: N

BODY: NOT AVAIL.

DOB: 10/10/1966

LICENSE NUMBER: NOT AVAIL.

COMPLEXION: NOT AVAIL.

PLACE OF BIRTH: NOT AVAIL.

ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Cell Phone

603-860-1149

EVENTS(S)

LOCATION TYPE: Bar/Night Club
FLEU DI LIS CLUB
39 ELM ST
TYNGSBOROUGH MA 01879

Zone: CAR 2 AREA G

1 MEDICAL (FALL)

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	COSTELLO, CHERYL 21 W PRESCOTT ST WESTFORD MA 01886 DOB: 01/15/1962 INJURIES: Severe Laceration ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Non Resident TAKEN TO: LOWELL GENERAL HOSPITAL TAKEN BY: TRINITY AMBULANCE VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 RELATION TO: FISHER ERNEST CONTACT INFORMATION: Home Phone (Primary) 978-996-0032	F	W	48		

Boy/Girl Friend

Incident Report

08/05/2010

Incident #: 10-650-OF

Call #: 10-14521

PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
CALZINNI, PAMELA K 41 EXETER ST LOWELL MA 01850 DOB: 01/01/1956 EMPLOYER: FLUER DE LIS CLUB	WITNESS	F	W	54	NOT AVAIL	

NARRATIVE FOR PATROL KENNETH R HEALEY

Ref: 10-650-OF

Entered: 08/01/2010 @ 1822	Entry ID: 50
Modified: 08/01/2010 @ 2034	Modified ID: S8
Approved: 08/01/2010 @ 2139	Approval ID: S8

On 8/1/10 I was assigned to Sector 2, Unit 2, while working a 1500-2300hrs shift. At approximately 1656hrs I was dispatched to the Fluer De Lis Club for a report of a disturbance. Upon my arrival I observed a female lying on the ground outside the entrance door the the club. The female had blood on her. I radioed dispatch requesting an ambulance and the fire department. A bystander informed me that she had fallen down three or four stairs that lead out of the club entrance/exit door. The female, later identified as Cheryl Costello, was lying supine on the ground. I stabilized Ms. Costello's head and neck and awaited the ambulance and fire department. Ms. Costello had a deep two inch gash on the top of her forehead and a laceration to her nose. It was obvious Ms. Costello was heavily intoxicated. She stated to fire department personnel that she had consumed "a lot" of alcohol. Ms. Costello stated that she was pushed by a woman but she would not say who the woman was or give any indication as to her identity. Sgt. Chris Chronopoulos arrived on scene to assist. Trinity arrived and placed Ms. Costello in a neck collar, placed her on a backboard, and then a Trinity EMT relieved me of stabilizing Ms. Costello's head and neck. Sgt. Chronopoulos had determined by bystanders and the bartender that Ms. Costello had fallen backwards while standing at the top of the three or four steps of the entrance to the club. Ms. Costello had had an argument with her boyfriend, Ernest Fisher, who was at the club, and he wanted her to leave with him. Mr. Fisher was also intoxicated. All witnesses stated that there was no physical altercation involved in the argument.

I then spoke with the bartender, Pamela Calzini. Ms. Calzini stated that Ms. Costello and her boyfriend had arrived at the club at approximately 1400hrs and were served one drink each. She stated that they then left for approximately two and a half to three hours. She stated that they ordered another drink from the club and showed me the two drinks that were still placed on the bar, nearly untouched.

Ms. Costello was transported to Lowell General Hospital. Mr. Fisher rode with Trinity to the hospital.

Respectfully Submitted,

Officer Kenneth R. Healey #50

NARRATIVE FOR SERGEANT CHRISTOPHER CHRONOPOULOS

Ref: 10-650-OF

Entered: 08/01/2010 @ 2004 Entry ID: S8
Modified: 08/01/2010 @ 2035 Modified ID: S8
Approved: 08/01/2010 @ 2139 Approval ID: S8

(01) On the 1st of August 2010, (Sunday) at approximately 1656hrs I was assisting Ofc. Healey at the Club Fleur De Lis regarding a woman who had fallen. While Ofc. Healey was attending to medical needs of the woman I walked inside the Fleur De Lis to see if any witnesses could be identified.

(02) While inside the club at the bar I asked if anybody witnessed the incident that led to the injured female outside the club. The only person who said that they witnessed the woman's actions was the bartender, Pamela Calzini. Pamela said to me that while the woman was at the bar she was talking to all the patrons. Pamela said the men she was speaking with got up and left the bar. Pamela said to the woman that she would have to leave the bar because she was intoxicated.

(03) The woman started to exit the club towards the parking lot entrance. While doing so she grabbed onto a piece of furniture by the first door. Pamela said that she held the piece of furniture from falling. As Pamela did this the woman fell backwards through the opening of the first door. Pamela said the woman fell straight backwards down the stairs.

(04) I asked Pamela if she had seen the woman's boyfriend inside the bar during this time. Pamela said that the woman was the only person she saw, and that her boyfriend was not near her at the time.

S Christopher Chronopoulos

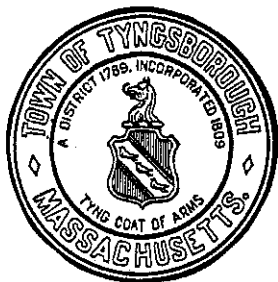
Selectman's Monthly Status Report

Report Start Date: July 1, 2010 Report End Date: July 31, 2010 Chief William F. Mulligan

Short-Term Action Items	Status	Outcomes/Issues
Dispatch Grant 2011	On Going	We will be looking for another dispatch grant for fiscal year 2010-11 we can use this grant for dispatcher salary as well as equipment. We believe it will be approximately \$26,000.
Reserve Officer Testing	On Going	The three reserve officers in training are doing well. We hope to have another three in training by the fall.
Crime Information	On Going	Recovered a generator, compressor and tools stolen from the Housing Authority over \$2,000.00 worth of item. We are still looking for one generator we have not recovered.
Memo to BOS	On Going	Memo to BOS with budget concerns with over-time issues
Firing Range Improved	On Going	Sgt Chris Chronopoulos, Officer Charles Rubino and Officer Peter Kulisich have painted and improved the firing range. They have also been working with UMASS Police on firearms training.
Poker Tournaments	On Going	We have stopped two local restaurants from having Poker Tournaments. Memos have been sent to the BOS
Regional Dispatch Report Due	On Going	The Regional Dispatch report was to be due this June. I and the committee have reviewed the draft report. They have extended the date for the final report to be due in September 2010
Long-Term Goals	Progress	Issues
State Accreditation	On going project	All the Policies & Procedures that are completed are reviewed at the department's monthly staff meetings and the monthly e-board meetings with the police union. They are then sent to the Town Attorneys for their review before being sent to BOS for approval.
Neighbor to Neighbor	Go going	I will be writing about safety issues, seat belts cell phones live vest. In this month article
Community Service	complete	FBI National Academy Conference in Boston volunteered at Pray Breakfast

I am on a sub-committee for the Regional Dispatch to review RFP for the study on Regional Dispatch. After this review the sub-committee recommended Winbourne & Costas, Inc a management and technology consultants. They will have their report complete by June 2010. We have continued to meet once each month Winbourne & Costas representatives have interviews dispatchers and personnel at a number of police and fire departments as well as Tyngsborough PD. This in an on going project. They have given Winbourne & Costas and extension until September 2010 to complete final report.

A Motor Cycle Run is being planned to help with the cost of the motor cycle unit.



Town of Tyngsborough Building Department

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 AUG -5 PM 2:49

DARTMOUTH COLLEGE
TYNGSBOROUGH, MA.

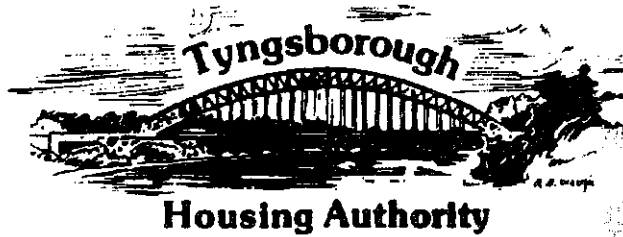
August 6, 2010

To: Michael P. Gilleberto, Town Administrator
Monthly Report

<u>Building Permits Report</u>	<u>Calendar Year</u>					Number of Permits – July 2010 <u>Change from last</u>
	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	
Year to date:	419	357	355	356	172	18
<u>Electrical Permits</u>						
Year to date:	386	264	228	258	169	26
<u>Plumbing & Gas</u>						
Year to date:	450	318	264	263	177	24
<u>Trench Permits</u>				46	29	4

40B Update:

	<u>Change from last report</u>					
<u>Maple Ridge:</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	
A) Single Family Homes-	39	10	5	4	0	0
B) 55+ and over Homes-	40	4	1	2	2	0
C) Certificates of Occupancy-	40	23	12	12	3	0
D) Affordable-	32	ALL OCCUPIED				
<u>Merrimack Landing</u>						
A) Single Family Homes-	32	4		60	0	0
B) Affordable-	0	0		36	0	0
C) Certificates of Occupancy-	4	15	11	23	37	7
<u>Wynbrook</u>						
A) 55+ and Over Homes-	13	4	3		5	1
B) Affordable	0	4		1	0	0
C) Certificates of Occupancy-	5	4	6	1	3	1
<u>Whispering Pines</u>						
A) Single Family Homes		14			0	0
B) Affordable		2		1	0	0
C) Certificates of Occupancy-		0		4	2	0



2010 AUG 11 AM 9:22
2010 AUG 11 AM 9:22
2010 AUG 11 AM 9:22
TYNGSBOROUGH, MA.

August 6, 2010

Michael P. Gilleberto, Town Administrator
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

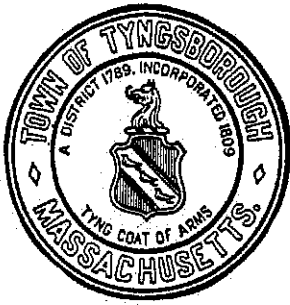
Dear Mr. Gilleberto,

The purpose of this letter is to cordially invite you, selectmen and all town employees to attend the dedication ceremony of "LACOURSE PARK" in remembrance of A. Lucien Lacourse founder and former commissioner of the Tyngsborough Housing Authority.

The ceremony is to take place on Friday, August 13, 2010 at 2:00 pm. at our 186 Frost Road (Red Pine Terrace) location.

Sincerely,

Melinda L. Theide
Housing Manager



**Town of Tyngsborough
Conservation Commission**

25 Bryants Lane 2010 AUG 11 AM 9:44
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301 TYNGBOROUGH, MA.

**AGENDA
August 10, 2010**

- 7:00pm 50 Middlesex Rd. (M21, P23-1) – Notice of Intent, DEP# 309-0838** with Stormwater Run-off analysis for the proposed installation of solar modules to develop a 37± acre solar energy generation facility within a bordering vegetated wetland involving the following: concrete pads, retaining walls, clearing trees, culvert, 1244 s.f. alteration, 2205 s.f. replication, and (2) limited project crossings as defined in 310 CMR 10.53(3)(e), with erosion controls. Continued from July 27, 2010.
- 7:15pm 41 Phalanx St. (M19, P88, L0) – Request for Determination of Applicability** for the proposed construction of a 10' x 12' shed within the buffer zone.
- 7:20pm Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP# 309-???** for the continued management of excessive vegetation with U.S. EPA & MA registered and approved herbicides.
- 7:30pm Pawtucket Blvd. (Route 113), Frost Rd. (Route 3A), and Sherburne Ave. – Massachusetts Department of Transportation Highway Division Notice of Intent, DEP# 309-0825** for the Relocation and Reconstruction of a section of Pawtucket Blvd. and Frost Rd. Continued from April 28, 2009.
- 7:50pm Ed Himlan: Massachusetts Watershed Coalition – Tyngsborough's Stormwater Regulation By-Law.**

Discussion:

Administrative:

1. Director's Determinations and Report
 - 12 Scribner Rd. – Modification to an existing garage
2. Minutes/Bills/Other Business:
 - Approve the minutes from the 7/27/10 meeting.
3. Sign the following forms:

Greater Lowell Health Alliance

of the Community Health Network Area 10

Inaugural Annual Meeting & Presentation of the Community Health Needs Assessment Report



RECEIVED BY SELECTMEN
TYNGSBORO, MA.

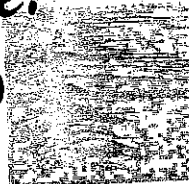
* The Community Health Needs Assessment is a collaboration of Lowell General Hospital, Saint's Medical Center, and the University of Massachusetts Lowell

www.greaterlowellhealthalliance.org

Save the Date!

October 6, 2010

7:00-9:00 am



040-82052708
\$0.44
08/11/2010
Mailed From: 01831-1
US POSTAGE

~ Breakfast ~
~ Annual Report ~
~ Community Awards ~
~ Community Health Needs
Assessment Report ~

Ashley O'Neill, Chair
Tyngsboro Board of Selectmen
25 Bryants Lane
Tyngsboro, MA 01879

**UMass Lowell Inn &
Conference Center**

50 Warren Street • Lowell, MA 01852

For more information or to RSVP please contact Amy Stanley
at 978.788.7278 or astanley@greaterlowellhealthalliance.org

CHARLES J. ZAROULIS LAW OFFICES

August 11, 2010

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686

Telephone: (978) 458-4583

Facsimile: (978) 937-0950

Mr. Don R. Boyce, Director
Massachusetts Emergency Management Agency
400 Worcester Road
Framingham, MA 01702

File: Tyngsborough

**Re: Emergency Management Director
Appointment**

Dear Mr. Boyce:

I represent the Town of Tyngsborough.

I reviewed the Local Emergency Management Program Guidebook, and in chapter one it reads:
"Typically this is the ... Chair of the Board of Selectmen."

I would appreciate any information you might have that the appointing authority is the Chair
without authorization of the majority of the Board of Selectman.

I note that the Acts of 1950, Chapter 639, § 13 reads in part: "...and in towns shall be appointed
by the selectman"

In my view "selectman" is a scriveners' error and to give reasonable meaning to the statute it
should read "selectmen."

Thank you for your assistance.

Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ:ksz

Cc: Board of Selectmen

Tyngs/EMDA Letter to DRB



Northern Middlesex Council of Governments

A Multi-Disciplinary

Regional Planning

Agency Serving:

Billerica

Chelmsford

Dracut

Dunstable

Lowell

Pepperell

Tyngsboro

Tyngsborough

Westford

NOTICE OF PUBLIC MEETING

A public meeting will be held on Tuesday, August 17, 2010 at 6:30 P.M. to receive comments on the proposed FY 2011-2014 Transportation Improvement Program and the Draft FY 2011 Unified Planning Work Program. The meeting will be held at the Northern Middlesex Council of Governments office, 40 Church Street, Suite 200, Lowell, MA. Copies of the Transportation Improvement Program and Unified Planning Work Program may be viewed at www.nmcog.org.

For additional information, please call (978) 454-8021. Please note the TIP contains the program of projects for the Lowell Regional Transit Authority (LRTA).

James G. Silva
Chair

Beverly A. Woods
Executive Director

40 Church Street
Suite 200
Lowell, MA
01852-2686
TEL: (978) 454-8021

FAX: (978) 454-8023

www.nmcog.org

City/Town Clerks: PLEASE POST PURSUANT TO OPEN MEETING LAW



Timothy P. Cahill
Treasurer and Receiver General

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

2010 AUG 13 10:30

Kim S. Gainsboro
Tyngsboro, MA
Chairman

Re: Dracut Food Service Corp.
D/B/A: Thirsty's
Premise: 25 Parham Road
City/Town: Tyngsborough, MA 01879

DECISION

Westland Wine & Spirits dba Westland Package Store ("the licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission ("the Commission") held a hearing on August 10, 2010 regarding an alleged violation of Massachusetts General Laws c. 138, §34. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's Compliance Check Field Report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts; and
2. Compliance Check Field Report of Investigator Rose Bailey.

There is one (1) tape of this hearing.

Facts

1. On, June 8, 2010 at approximately 7:02 p.m., Commission Investigators investigated the business operation Dracut Food Service Corp. dba Thirsty's
2. An underage operative, working with the investigators, purchased a bottle of Budweiser for \$3.00. The underage operative was not asked for identification.

Conclusion

Based on the evidence, the Commission finds the licensee violated Massachusetts General Laws c. 138, §34. The Commission **suspends the license for three (3) days of which three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner *Susan Corcoran*

Robert Cronin, Commissioner *Robert H. Cronin*

Dated in Boston, Massachusetts this 10th day of August 2010.

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

cc: Tyngsborough Licensing Board
Frederick G. Mahony, Chief Investigator
File



TYNGSBOROUGH
DEMOCRATIC
TOWN COMMITTEE

P.O. Box 706
TYNGSBOROUGH, MA 01879-0706
TEL / FAX 978 - 649-9694

ELIZABETH COUGHLIN, CHAIR

STATE SENATE CANDIDATES NIGHT

THE TYNGSBOROUGH DEMOCRATIC TOWN COMMITTEE WILL BE CO-SPONSORING A CANDIDATE'S NIGHT ON AUGUST 31, 2010 AT 7:30PM FOR THE FIRST MIDDLESEX STATE SENATE CANDIDATES IN THE DEMOCRATIC PRIMARY ON SEPTEMBER 14, 2010.

THIS EVENT WILL BE HELD AT THE BLACK BOX THEATER IN THE GROTON-DUNSTABLE REGIONAL HIGH SCHOOL AND IS CO-SPONSORED BY THE TYNGSBOROUGH, DUNSTABLE, GROTON AND PEPPERELL DEMOCRATIC TOWN COMMITTEES.

QUESTIONS MAY BE SUBMITTED TO THE TYNGSBOROUGH DEMOCRATIC TOWN COMMITTEE FOR THOSE UNABLE TO ATTEND.

FOR ADDITIONAL INFORMATION CALL 978-649-9694.

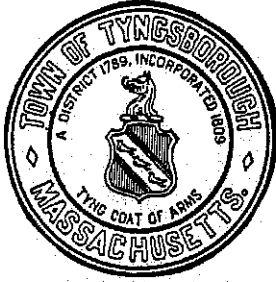
SAVE THE DATE

MBTA ADVISORY BOARD MEETING

**Tuesday, September 7, 2010
9:30 A.M.**

**TRANSPORTATION BUILDING
TEN PARK PLAZA, 2ND FLOOR,
CONFERENCE ROOM 1
BOSTON, MA**

Meeting Packets Will Follow. For More Information, Call (617) 426-6054



**Town of Tyngsborough
Conservation Commission**

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

2010 AUG 12 10:21

TYNGSBOROUGH, MA.

August 11, 2010

Tyngsborough Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

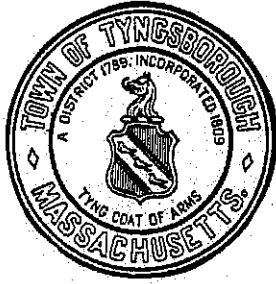
RE: Agenda Request

Honorable Board,

I'd like to request that you schedule time on your next meeting agenda for me to speak to the Board regarding the right of way access on the Cedar Street boat ramp. Thank you for your prompt attention to this matter.

Regards,

Edward Smith
Chairman
Conservation Commission



**Town of Tyngsborough
Conservation Commission**

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

2010 AUG 12 PM 10:21

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

TO: Tyngsborough Board of Selectmen
FROM: Tyngsborough Conservation Commission
DATE: August 11, 2010
RE: Petition Filing to Formally Accept a Town Way -- Cedar Street

Honorable Board,

The Conservation Commission submits this letter as a petition filing to formally accept the Town Way known as Cedar Street.

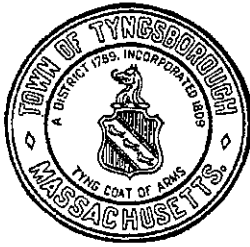
The Town Way known as Cedar Street had been accepted by Town Meeting Warrant Article and majority vote on May 21, 1986.

Tyngsborough's General Counsel, Charles Zaroulis has recently recognized that the required laying out (survey) and filing with the Registry of Deeds was not acted upon following Town's acceptance of Cedar Street. To this finding, the Tyngsborough Conservation Commission submits this petition to correct a Town action for accepting Cedar Street that had not been properly brought to closure as required by M.G.L. Chapter 82, Sections 22-24.

Respectfully,

Samuel A. Beeman for

Edward Smith
Chairman
Conservation Commission



TOWN OF TYNGSBOROUGH

Office of the Town Administrator


25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

TO: Board of Selectmen

FROM: Michael P. Gilleberto, Town Administrator 

DATE: August 13, 2010

SUBJECT: Town Administrator's Report for the weeks ending July 30, August 6, and August 13

Response to Selectmen's Requests

- Town employment contracts are being submitted to Labor Counsel for final review prior to posting online.
- Attached please find a template of a quarterly reporting form for appointed boards and committees.
- Letter to Technical High School per BoS vote of 7/26/2010 is attached.
- Letter to Wyndbrook developer Jay Finnegan per BoS vote of 8/2/2010 is attached.

Budget Status

Final documentation on short-term borrowing from the Treasurer will be available Monday.

Departmental Information

- Veteran's Agent: verbal conversation with Town Counsel indicates that the Town can continue to employ the incumbent Veteran's Agent. Please see attached email from Town Counsel.
- Wiring and Plumbing/Gas Inspector: applications are coming in.
- Sewer Commission: I will be participating in the first round of interviews on Thursday.
- The Board of Selectmen is confirmed to host the Senior breakfast on August 19th.
- Senior Tax Work-Off program: recruitment is underway.
- Highway: the Highway Department has purchased a mid-size cement mixer which will allow us to reduce reliance on contractor assistance to lay cement. This purchase is Chapter 90 eligible; additional information is attached. Cost was \$2,695.00

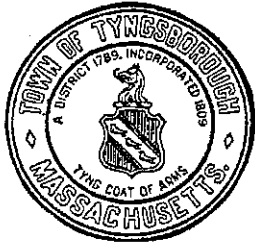
- Highway: the Highway Department, in conjunction with the Police and Fire Departments, has identified a grant opportunity for a work zone safety / emergency response equipment trailer through MIIA. Please see attached grant application.

Contracting/procurement

- None at this time.

Other

- See MMA notice relative to statewide essay contest. If the Selectmen wish the Town to participate, I will forward it to the Superintendent.



TOWN OF TYNGSBOROUGH
Board/Committee Quarterly Report
Board/Committee: _____

Year: FY 2011

Report for the period ending: September 30 December 31 March 30 June 30

Officers: Chairperson: _____
Vice-Chairperson: _____

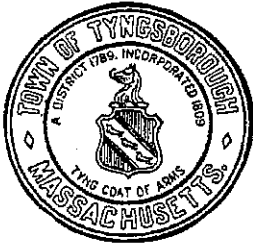
Meetings held (dates): _____

Ongoing projects:

Project	Status	Estimated completion

Other notes:

Signed: (name) _____
(title) _____



TOWN OF TYNGSBOROUGH
Board of Selectmen

25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: tgay@tyngsboroughma.gov

August 2, 2010

Ms. Mary Jo Santoro
Greater Lowell Technical High School
250 Pawtucket Boulevard
Tyngsborough, MA 01879

Dear Ms. Santoro:

At their meeting of July 26, 2010, the Tyngsborough Board of Selectmen voted to ask the Greater Lowell Technical High School to participate in two projects: the renovation of Tyngsborough town and school buildings and repairs to the Adams Barn in Tyngsborough town center.

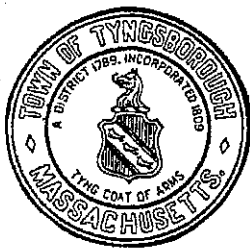
The Town has been awarded \$161,000 in state "Green Communities" funding and will be utilizing these funds for energy efficiency improvements at Town Hall and Tyngsborough Middle School. The Town would like to invite students to participate in these projects as a case study / learning experience in energy efficiency projects.

Additionally, the Town would like to request Technical School assistance for a construction project at the Adams Barn at the intersection of Middlesex Road and Kendall Road. This project represents a unique opportunity for students to assist in trades projects at a highly-visible historic municipal building.

Thank you for your consideration of this request. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,


Michael P. Gilleberto
Town Administrator



TOWN OF TYNGSBOROUGH

Board of Selectmen

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: tgay@tyngsboroughma.gov

August 13, 2010

Mr. Jay Finnegan
Developer, Wyndbrook at Tyngsborough
Tyngsborough Partners LLC
210 Commerce Way, Suite 150
Portsmouth, NH 03801

Dear Mr. Finnegan:

At their meeting of August 2, 2010, the Tyngsborough Board of Selectmen voted to ask if you would be willing to consider the re-allocation of funding for the construction of a new Town senior center at Wyndbrook to the restoration of the former Winslow School in the Town Center as the Town's senior center.

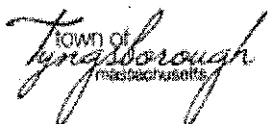
The Board of Selectmen is cognizant and respectful of the legal issues that may be associated with this request, and this letter is sent to begin the conversation on this matter.

Thank you for your consideration of this request. Please contact me at 978-649-2314 to discuss this matter further.

Sincerely,

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Historical Commission
Town Counsel Charles Zaroulis



Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

O'Connor, Kevin - Veterans' Agent

1 message

Jacqueline R. Zaroulis <charles.zaroulis@verizon.net>

Fri, Aug 13, 2010 at 1:42 PM

To: "Michael P. Gilleberto" <mgilleberto@tyngsboroughma.gov>

Dear Michael,

In response to your E-mail of August 11, 2010, requesting my review and guidance, I make the following comments:

I am informed that Mr. O'Connor wrote to the Board of Selectmen indicating that he intended to retire in October 2010, and that the letter was not filed with the Town Clerk, and that the Board of Selectmen did not vote to accept his retirement. No letter of "resignation" was submitted by Mr. O'Connor.

M.G.L. c. 41, § 209, provides that no resignation of a town officer will be deemed effective unless and until the resignation is filed with the Town Clerk. To be effective under the statute, a resignation must be filed with the Town Clerk.

If an official files a resignation without filing with the Town Clerk and the appointing authority accepts the resignation, then, by operation of common law and not the statute, the office is deemed vacated.

In this case, no "resignation" was filed with the Board of Selectmen or the Town Clerk; and there was no vote of acceptance of any document which might be construed as a "resignation." In my view, Mr. O'Connor still holds the office of Veterans' Agent.

Please call me if you have any questions or to discuss.

Charles

Charles J. Zaroulis, Esq.

40 Church Street

Suite 500



Chapter 90 PROJECT REQUEST

Classification: _____
 Primary Road _____
 Local Road _____

M.A. # 0051004

City/Town Tyngsborough

Location(s) _____

Length: _____ Feet

Width: _____ Feet

Project Type: Construction _____ Reconstruction _____ Resurfacing _____ Improvement _____

Other: Cement Mixer

TYPICAL SECTION DETAILS: State depths, special treatments, etc., and include sketch for Construction/Improvement Projects.

Surface: _____

Base Course: _____

Foundation: _____

Shoulders/Sidewalks: _____

SCOPE OF WORK:

Equipment Purchase of Cement Mixer. Midsize, Middleweight 65 cm. 6 Cubic Feet

Work to be done: Force Account _____ Advertised Contract _____ Other: Equipment Vendor

Estimated Cost (Attach estimate and list funding sources)

\$ 2695.00

*These funds will pay 75% of Local Road Project costs to the limit of this assignment; the municipality to fund the balance. Funds provided from 33 of 1991 or Ch. 133 of 1992 will pay 100% of project costs to the limit.

CERTIFICATION

The design, engineering, construction and future performance of the project, including maintenance, is the responsibility of the Municipality. The proposed work will conform to recognized engineering practices and construction methods.

I/We certify to the following: that the project is on a public way, and any necessary land takings have been made; that all materials will comply with approved established specifications; that all weights and quantities will be accurate; that equipment rental rates are those established by the Massachusetts Highway Department or the advertised low bid; that all documentation will be checked for accuracy, and will be endorsed in accordance with municipal procedures for accountability.

PREPARED & REVIEWED BY:

Signed James R. Huston

 Highway Administrator 8-3-10
 Highway Officer's Title Date

Road Classification Verified _____

Approved for \$ @ %

District Highway Director Date

Signed

duly authorized

Date:

**MIIA LOSS CONTROL
FY2011**

GRANT APPLICATION

FISCAL YEAR 2011

Instructions

If you need additional space you may submit your application in narrative form.

Please fill out entire form and forward to : Jeffrey J. Siena
Loss Control Manager, MIIA
One Winthrop Square
Boston, MA 02110

Please read the enclosed information sheet before completing application. If you have any questions please contact Jeff Siena at: 1-800-882-1498 ext. 259; Email: jsiena@mma.org or Mary Ann Marino at:

1-800-882-1498-ext. 262; Email: mmarino@mma.org

MIIA Member: Town of Tyngsborough
Contact Person: Jim Hustins Highway Administrator
Phone: 978-649-2310 Fax: 978-649-2312

1. ***Purpose of Grant:***

To acquire a trailer that could hold and transport work zone safety/emergency response equipment for Highway, Police, Fire, and other town related situations.

2. ***Description:***

Summarize what you plan to do, who will do it, and when it will be done.

Trailer would be procured by the Highway Department and outfitted with necessary work zone safety emergency response equipment upon receipt of grant.

3. ***Cost:***

List cost per item/training session as well as total amount applied for. If for multiple departments, please list each department separately.

Work Zone Safety/Emergency Response Trailer: \$5,000.

4. **Benefits:**

Please summarize the benefits you expect from materials/training funded by the Loss Control grant.

The trailer would be stocked with safety and traffic management supplies and would be ready upon notice of any situation.

The following items are not eligible for a MIIA Loss Control Grant:

- ◆ Overtime or wage payments
- ◆ Purchase of training materials available at no cost from MIIA, or other sources i.e. Fire/Police/ Academy, Bay State Roads, training library, etc.
- ◆ Purchase of certain personal protective equipment. (i.e. hard hats, safety shoes, safety glasses, etc.)

Please sign, date and return to MIIA. MIIA may request additional info in the review process.

Application must be signed by the town manager, town administrator or superintendent of schools etc.

Signature _____
Title _____
Email _____
Phone _____
Date _____

MIIA Loss Control Grant Program

Frequently Asked Questions

Why wasn't my grant approved?

The MIIA Loss Control Grant Program was created to assist our members in reducing their losses therefore it is targeted to those areas which reflect the highest frequency and severity of losses in the MIIA pool.

My grant was approved; does this mean I was approved for the entire amount I requested?

Not necessarily, some grants may only be partially funded. Your grant award letter will state specifically how much you have received.

Am I allowed to submit more than one grant application?

You may submit multiple grant applications however we strongly suggest that all applications be coordinated through your town administration.

Is it possible to receive more than one grant?

Yes, a member may receive grants for different items but the total of all grants approved for any one member may not exceed \$5,000. If you have been approved for a grant for an amount less than \$5,000 it does not mean you are automatically entitled to the remainder of the \$5,000 grant award. A separate grant application should be submitted for any request for remaining available funds. These requests will be treated as a new grant application.

What if I've received a grant in the past does that mean I'm not eligible for one this year?

You are eligible to apply every year however we will give priority to those members who have not received a grant award to date.

When will I be notified if my application has been approved?

Grant requests are reviewed by Loss Control staff on a monthly basis. Ideally you should receive a response within 30-60 days.

What sort of items should I include in my grant application?

Your application should include as much detail as possible. Please explain in detail how the item or service will benefit your municipality, prospective costs and potential vendors to be used. We suggest that you review your latest loss runs and try to target your request to the area of your losses.

Are Police and Fire Departments eligible for a MIIA Loss Control Grant?

The MIIA Loss Control Grant Program is funded by member premium and must therefore reflect MIIA coverages. MIIA does not directly underwrite Police and Fire coverage (with the exception of auto and professional liability) so these departments do not meet these criteria. Certain items are eligible however, such as driver training.

What items are not eligible for a MIIA Loss Control Grant?

Items which are not eligible for a grant include but are not limited to: certain personal protective equipment, i.e. boots, hard hats, gloves etc.; overtime or hotel, food or transportation expenses, any service that MIIA provides free of charge.

If you have any questions about the program you may contact Jeff Siena at (617) 426-7272 (259) or Mary Ann Marino (617) 426-7272 (262)

Atlantic Broom

Atlantic Plow Blade Company
Atlantic Highway Sign Company

Servicing New England since 1956



CONTACT:

Southern New England Division

Leigh McStay c: 617-512-1830

Chip McDonald c: 617-839-0588

Northern New England Division

Tom Hogan c: 603-498-3457

Jack Davis c: 603-490-0623

6 x 12 Foot Car-Mate Sportster Trailer: To Include:

\$5800.00

- (50) Traffic Cones 28" w/2 Reflective Strips
- (10) Barrel With Base w/2 Reflective Strips
- (5) A-Frame Barricade with Sleeve w/Reflective Strips
- (2) Push Brooms

- (2) Caution Tape Rolls
- (5) Safety Vests
- (1) Shovel
- (1) Spedi Dry

Delivered

Specifications:

- ◆ GVWR 2990#
- ◆ Axle Dexter Spring E-Z Lube Hubs
- ◆ Tires 205/75D15 Bias Ply - C Range
- ◆ Hitch Ball 2" Coupler
- ◆ Hitch/Deck Ht 20" - 22"
- ◆ Light Plug Flat 4 Pole
- ◆ Tongue "A" Frame
- ◆ Rear Doors Double 65" W x 68" H
- ◆ Ramp Door Optional/1,500# /capacity
- ◆ Side Door Standard - 32"
- ◆ Frame 3" Tube
- ◆ Floor 3/4" Plywood - 24" OC
- ◆ Walls 1/4" Plywood - 16" OC
- ◆ Roof Bows Aluminum
- ◆ Roof 1 Piece Aluminum
- ◆ Exterior .030 Polar White / Black
- ◆ Dot Lighting All Led Standard
- ◆ Warranty 2 Years

EMTIA.ORG

Emergency
Response

Work Zone
Safety
Equipment

Add: City Lettering for side of Trailer

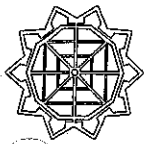
Maximum 2 Color

\$500.00

All Quotations are Subject to Change Without Notice

345 John Quincy Adams Road, Taunton, MA 02780

tel: 774-226-1300 ** fax: 508-823-0052



MASSACHUSETTS MUNICIPAL ASSOCIATION

ONE WINTHROP SQUARE, BOSTON, MA 02110

617-426-7272 • 800-882-1498 • fax 617-695-1314 • www.mma.org

August 5, 2010

Dear Mr. Gilleberto,

The Massachusetts Municipal Association (MMA) is pleased to announce the fifth annual MMA **Statewide Essay Contest for 6th Graders**. This initiative raises public awareness, promotes the attributes of good local government and encourages future leaders of Massachusetts to take an active interest in their community activities.

"If I were elected leader of my community, I would make a difference by..."

What:

The MMA invites 100 cities and towns to participate in the 2010 contest. We are sending this letter to the chief municipal official in each community and the first 100 communities to respond will participate this year. Last year, the MMA received 2200 essays from the 92 participating communities. We are looking forward to an even greater number of participating communities in 2010.

When:

Complete the enclosed sign-up sheet and return it to the MMA by September 10. By signing the sheet, you give the MMA permission to invite your schools to participate in the contest. In the fall, the MMA will send you, your superintendent and your 6th Grade principals an essay contest kit, which will include a contest poster and information, as well as a link to the MMA website for the contest form and a study guide on local government. We will be inviting your school leaders to distribute the essay materials to all 6th Graders. Students will be able to access contest materials via our website: www.mma.org.

Why:

The essay contest is fun for students and demands little time or preparation from the teacher. It is viewed as an independent student project but can be incorporated into a teacher's lesson plan. The MMA is available as a resource to any teacher, school or municipal official.

Who:

All 6th Graders in your public schools are invited to participate. The MMA will award savings bonds to three finalists. The overall winner will be invited to the MMA's Annual Meeting & Trade Show, January 21-22, in Boston. Every student who participates will receive a participation gift. In addition, all teachers who participate will be entered into a random drawing for a prize. The contest deadline for students is November 5th.

If you have any questions, please contact Essay Contest Coordinators, Ellen Stoolmacher or Kristi Williams at (800) 882-1498. We are excited to engage and encourage students to think creatively about local government. We hope you will join our effort by signing up your community today! Thank you for your time, interest and leadership.

Sincerely,

Geoffrey Beckwith
Executive Director
Massachusetts Municipal Association

Beverly Mayor William F. Scanlon, Jr.
President
Massachusetts Municipal Association

MMA's Statewide 6th Grade Essay Contest

Community Sign-Up Sheet

The leadership and commitment of elected and appointed officials is the key to the contest's success. The MMA will count on you to promote the contest, generate enthusiasm for local government, and help make one of your 6th graders the winner. Please consider:

- Publicizing the contest by working with your superintendent, principals and teachers. Alert the PTA, school committee, and community groups.
- Promoting the contest on your community's website.
- Posting the contest materials in city / town hall.
- Announcing the community's participation to local newspapers.
- Visiting your 6th graders to discuss local government and the contest.
Talk about community service, local government's commitment to citizens and the importance of good leadership. A classroom visit from a local official has a profound impact on the quality of information students possess about municipal government
- Holding a hometown award ceremony at a meeting of your governing board (or at an appropriate event) if one of the winners is from your community.

NOTE: By completing this form you give MMA permission to invite your schools to participate. Participation by your schools is optional, but MMA will not forward any contest materials to your schools without your signed support of the essay contest.

Sign Us Up Today!

As the chief municipal official, our community will participate in the MMA's statewide 6th grade essay contest.

Name: _____ Title: _____

Address: _____

Fax: _____ Phone: _____

Email: _____ Date: _____

1. Is your community in a regional school district: *Please Circle Yes or NO*
2. Is your **6th grade** included in the regional district: *Please Circle Yes or NO*
3. What other communities in the district include their **6th grade**:

Fax to the MMA by SEPTEMBER 10: (617) 695-1314

Questions? Contact Ellen Stoolmacher or Kristi Williams at the MMA at (800) 882-1498